

A R T I C L E S

O F

Charge of High Crimes and
Misdemeanors,

AGAINST

WARREN HASTINGS, Esq,

Late Governor General of Bengal;

*Presented to the House of Commons, in the Months of April
and May 1786,*

By the Right Hon. EDMUND BURKE.

THE SECOND EDITION.

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ARTICLE

OF

THE COURT OF HIGH CHURCHES AND

MINISTERS



WARREN HASTINGS, ESQ.

1st Baronet, of Down, Co. Down.

Presented to the Bodleian Library, in the year 1857.

and 1858.

By the Hon. EDWARD BURKE

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A R T I C L E S
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Charge of High Crimes and
Misdemeanors,

AG A I N S T
WARREN HASTINGS, Esq.

No. I.

EXTIRPATION OF THE ROHILLAS.

I.

THAT the Court of Directors of the East India Company, from a just sense of the danger and odium incident to the extension of their conquests in the East Indies, and from an experience of the disorders and corrupt practices, which intrigues and negotiations to bring about revolutions among the country powers had produced, did positively and repeatedly direct their servants in Bengal not to engage in any offensive war whatsoever:—That the said Court laid it down as an *invariable maxim, which ought ever to be maintained, that they were to avoid taking part in the political schemes of any of the country princes*; and did, in particular, order and direct, that they should not engage with a certain Prince called Sujah ul Dowla, Nabob of Oude, and Vizier of the Empire, in any operations, beyond certain limits in the said orders specially described.

B

That

II.

That Warren Hastings, Esquire, then Governor of Fort William in Bengal, did, with other Members of the Council, declare his clear understanding of the true intent and meaning of the said positive and repeated orders and injunctions;—did express to the Court of Directors his approbation of the policy thereof;—did declare, that he adopted the same *with sincerity and satisfaction*, and that he was *too well aware of the ruinous tendency of all schemes of conquest, ever to adopt them, or ever to depart from the absolute line of self-defence, unless impelled to it by the most obvious necessity*;—did signify to the Nabob of Oude the said orders, and his obligation to yield punctual obedience thereto; and did solemnly engage and promise to the Court of Directors, with the *unanimous concurrence* of the whole Council, “That no object or consideration should
 “either tempt or compel him to pass the political line,
 “which they (the Directors) had laid down for his
 “operations with the Vizier;” assuring the Court of Directors, that he “scarce saw a possible advantage,
 “which could compensate the hazard and expence to
 “be incurred by a contrary conduct:”—That he did frequently repeat the same declarations, or declarations to the same effect, particularly in a letter to the Nabob himself of the 22d of November 1773, in the following words: “The commands of my superiors
 “are, as I have repeatedly informed you, peremptory,
 “that I shall not suffer their arms to be carried beyond
 “the line of their own boundaries, and those of your
 “Excellency their ally.”

III.

That the said Warren Hastings, in direct contradiction to the said orders, and to his own sense of their propriety and coercive authority, and in breach of his express promises and engagements, did, in September 1773, enter into a private engagement with the said Nabob of Oude, who was the special object of the prohibition, to furnish him, for a stipulated sum of money, to be paid to the East India Company, with a body of troops, for the declared purpose of
 “thoroughly extirpating the nation of the Rohillas;”

—a na-

—a nation, from whom the Company had never received, or pretended to receive or apprehend, any injury whatsoever; whose country, in the month of February 1773, by an unanimous Resolution of the said Warren Hastings and his Council, was included in the line of defence against the Marattas, and from whom the Nabob never complained of an aggression or act of hostility, not pretended a distinct cause of quarrel, other than the non-payment of a sum of money in dispute between him and that people.

IV.

That supposing the sum of money in question to have been strictly due to the said Nabob, by virtue of any engagement between him and the Rohilla Chiefs, the East India Company, or their representatives, were not parties to that engagement, or guarantees thereof, nor bound by any obligation whatever to enforce the execution of it.

V.

That, previous to the said Warren Hastings's entering into the agreement or bargain aforesaid, to extirpate the said nation, he did not make, or cause to be made, a due enquiry into the validity of the sole pretext used by the said Nabob; nor did he give notice of the said claims of debt to the nation of the Rohillas, in order to receive an explanation on their part of the matter in litigation, nor did he offer any mediation, nor propose, nor afford an opportunity of proposing, an agreement or submission, by which the calamities of war might be avoided, as, by the high state in which the East India Company stood as a Sovereign Power in the East, and the honour and character it ought to maintain, as well as by the principles of equity and humanity, and by the true and obvious policy of uniting the power of the Mahometan Princes against the Mahrattas, he was bound to do: That, instead of such previous enquiry, or tender of good offices, the said Warren Hastings did stimulate the ambition and ferocity of the Nabob of Oude to the full completion of the inhuman end of the said unjustifiable enterprise, by informing him, "that it would be absolute-

“ ly necessary to persevere in it until it should be accomplished ;” pretending, that a fear of the Company’s displeasure was his motive for annexing the accomplishment of the enterprize as a condition of his assistance, and asserting, “ that he could not hazard or answer, for the displeasure of the Company, his masters, if they should find themselves involved in a *fruitless* war, or in an expence for prosecuting it ;” a pretence tending to the high dishonour of the East India Company, as if the gain to be acquired was to reconcile that body to the breach of their own orders, prohibiting all such enterprizes. And in order further to involve the said Nabob beyond the power of retreating, he did, in the course of the proceeding, purposely put the said Nabob under difficulties in case he should decline that war ; and did oblige him to accept even the permission to relinquish the execution of this unjust project as a favour, and *to make concessions for it* ; thereby acting as if the Company were principals in the hostility ; and employing for this purpose much double dealing, and divers unworthy artifices, to entangle and perplex the said Nabob, but by means of which he found himself (as he has entered it on record) “ *bampered, and embarrassed in a particular manner.*”

VI.

That the said compact for offensive alliance in favour of a great Prince, against a considerable nation, was not carried on by projects and counter-projects in writing ; nor were the articles and conditions thereof formed into any regular written instrument, signed and sealed by the parties ; but the whole (both the negotiation and the compact of offensive alliance against the Rohillas) were a mere verbal engagement, the purport and conventions whereof no where appeared, except in subsequent correspondence, in which certain of the Articles, as they were stated by the several parties, did materially differ ; — a proceeding new and unprecedented, and directly leading to mutual misconstruction, evasion, and ill faith, and tending to encourage and protect every species of corrupt, clandestine practice : —

tice:—That, at the time when this private verbal agreement was made by the said Warren Hastings with the Nabob of Oude, a public ostensible treaty was concluded by him with the said Nabob, in which there is no mention whatever of such agreement, or reference whatever to it; in defence of which omission, it is asserted by the said Warren Hastings, that *the multiplication of treaties weakens their efficacy, and therefore they should be reserved only for very important and permanent obligations*; notwithstanding he had previously declared to the said Nabob, “that the points, which he had proposed, required much consideration, and the previous ratification of a formal agreement before he could consent to them.”—That the whole of the said verbal agreement with the Nabob of Oude in his own person, without any assistance on his part, was carried on and concluded by the said Warren Hastings alone, without any person who might witness the same; without the intervention even of an interpreter, though he confesses that he spoke the Hindostan language *imperfectly*, and although he had with him at that time and place, several persons high in the Company’s service and confidence; namely, the Commander in Chief of their Forces, two members of their Council, and the Secretary to the Council, who were not otherwise acquainted with the proceedings between him and the said Nabob, than by such communications as he thought fit to make to them.

VII.

That the object avowed by the said Warren Hastings, and the motives urged by him, for employing the British arms in the utter extirpation of the Rohilla nation, are stated by himself in the following terms: “The acquisition of forty lacks of rupees to the Company, and of so much specie added to the exhausted currency of our Provinces;—that it would give wealth to the Nabob of Oude, of which we should participate;—that the said Warren Hastings *should* always be ready to profess that he did reckon the probable acquisition of wealth among his reasons for taking up arms against his *neighbours*;—that it
“ would

“ would ease the Company of a considerable part of
 “ their military expence, and preserve their troops from
 “ inaction and relaxation of discipline;—that the weak
 “ state of the Rohillas promised an easy conquest of
 “ them; and, finally, that such was his idea of the
 “ Company’s distress at home, added to his know-
 “ ledge of their wants abroad, that he should have
 “ been glad of *any* occasion to employ their forces,
 “ which saved so much of their pay and expences.”

VIII.

That, in the private verbal agreement aforesaid, for offensive war, the said Warren Hastings did transgress the bounds of the authority given him by his instructions from the Council of Fort William, which had limited his powers to such compacts “ as were consistent
 “ with the spirit of the Company’s orders;” which Council he afterwards persuaded, and with difficulty drew into an acquiescence in what he had done.

IX.

That the agreement, to the effect aforesaid, was settled in the said secret conferences, before the 10th of September 1773; but the said Warren Hastings, concealing from the Court of Directors a matter of which it was his duty to afford them the earliest and fullest information, did, on the said 10th of September 1773, write to the Directors, and dispatched his letter over land, giving them an account of the public treaty, but taking not the least notice of his agreement for a mercenary war against the nation of the Rohillas.

X.

That, in order to conceal the true purport of the said clandestine agreement the more effectually, and until he should find means of gaining over the rest of the Council to a concurrence in his disobedience of orders, he entered a minute in the Council Books, giving a false account of the transaction; in which minute he represented, that the Nabob had indeed *proposed* the design aforesaid, and that he (the said Warren Hastings) *was pleased that he urged the scheme*
 of

of this expedition no further; when, in reality and truth, he had absolutely consented to the said enterprize, and had engaged to assist him in it (which he afterwards admitted) and confessed that he did act in consequence of the same.

XI.

That the said Warren Hastings and his Council were sensible of the true nature of the enterprize in which they had engaged the Company's arms, and of the heavy responsibility to which it would subject himself and the Council, "the personal hazard they, "the Council, run, in undertaking so *uncommon* a "measure, without *positive* instructions, at their own "risk, with the eyes of the whole nation on the affairs "of the Company, and the passions and prejudices of "almost every man in England inflamed against the "conduct of the Company, and the character of its "servants;"—yet they engaged in the very practice, which had brought such odium on the Company, and on the character of its servants, though they further say, that they had continually before *their eyes, the dread of forfeiting the favour of their employers*, and becoming the "objects of *popular* invectives." The said Warren Hastings himself says, at the very time when he proposed the measure, "I must confess, I entertain some doubts as to its expediency at this time, "from the circumstances of the *Company* at home, "exposed to *popular* clamour, and all its measures "liable to be canvassed in *Parliament*; their charter "drawing to a close, and his Majesty's Ministers "unquestionably ready to take advantage of every "unfavourable circumstance in the negotiations of "its renewal." All these considerations did not prevent the said Warren Hastings from making and carrying into execution the said mercenary agreement for a sum of money, the payment of which the Nabob endeavoured to evade on a construction of the verbal treaty; and was so far from being insisted on, as it ought to have been, by the said Warren Hastings, that when, after the completion of the service, the Commander in Chief was directed to make a demand

mand of the money, the agent of the said Warren Hastings at the same time assured the Nabob, "that
 " the demand was nothing more than matter of form,
 " common, and even necessary in all public transactions;
 " and that, although the Board considered the
 " claim of the government *literally* due, it was not
 " the intention of administration to prescribe to his
 " Excellency *the mode, or even limits of payment.*" Nor
 was any part of the money recovered until the establishment of the Governor General and Council by Act of Parliament, and their determination to withdraw the brigade from the Nabob's service; the Resident at his Court, appointed by the said Warren Hastings, having written *that he had experienced much duplicity and deceit in most of his transactions with his Excellency*; and the said Nabob and his successors falling back in other payments in the same or greater proportion, as he advanced in the payment of this debt: the consideration of lucre to the Company, the declared motive to this shameful transaction, totally failed, and no money in effect and substance (as far as by any account to be depended on appears) has been obtained.

XII.

That the said Nabob of Oude did, in consequence of the said agreement, and with the assistance of British troops, which were ordered to march, and subjected to his disposal by the said Warren Hastings and the Council, unjustly enter into and invade the country of the Rohillas, and did there make war in a barbarous and inhuman manner, "by an abuse of
 " victory;" "by the unnecessary destruction of the
 " country;" "by a wanton display of violence and
 " oppression, of inhumanity and cruelty;" and "by the
 " sudden expulsion and casting down of an whole race
 " of people, to whom the slightest benevolence was
 " denied." When prayer was made not to dishonour the Begum (a Princess of great rank, whose husband had been killed in battle) and other women, by "*drag-*
ging them about the country, to be loaded with the scoffs
of the Nabob's rabble, and otherwise still worse used;" the Nabob refused to listen to the intreaties of a British
 Commander

Commander in Chief in their favour; and the said women of high rank were exposed not only to the vilest personal indignities, but even to absolute want; and these transactions being by Colonel Champion communicated to the said Warren Hastings, instead of commendations for his intelligence, and orders to redress the said evils, and to prevent the like in future, by means which were suggested, and which appear to have been proper and feasible, he received a reprimand from the said Warren Hastings, who declared that we had no authority to controul the conduct of the Vizier in the treatment of his subjects: And that Colonel Champion desisted from making further representations on this subject to the said Warren Hastings, being apprehensive of having already run some risque of displeasing, by perhaps a too free communication of sentiments.—That in consequence of the said proceedings, not only the eminent families of the Chiefs of the Rohilla nation were either cut off or banished, and their wives and offspring reduced to utter ruin, but the country itself, heretofore distinguished above all others for the extent of its cultivation, “as a Garden, not having *one spot* in it of *uncultivated ground*,” and from being “*in the most flourishing state that a country could be*,” was, by the inhuman mode of carrying on the war, and the ill government during the consequent usurpation, reduced to a state of great decay and depopulation, in which it still remains.

XIII.

That the East India Company, having had reason to conceive that, for the purpose of concealing corrupt transactions, their servants in India had made unfair, mutilated, and garbled communications of correspondence, and sometimes had wholly withheld the same, made an order in their letter of the 23d of March 1770, in the following tenor:—“The Governor singly shall correspond with the country powers; but *all* letters, before they shall be by him sent, must be communicated to the other Members of the Select Committee, and receive their approbation; and also *all letters whatsoever* which may be received by the

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Governor

“ Governor, in answer to or in course of correspondence, shall likewise be laid before the said Select Committee, for their information and consideration.”—And that in their instructions to their Governor General and Council, dated 30th March 1774, they did repeat their orders to the same purpose and effect.

XIV.

That the said Warren Hastings did not obey, as in duty he was bound to do, the said standing orders; nor did communicate all his correspondence with Mr. Middleton, the Company's Agent at the Court of the Soubah of Oude, or with Colonel Champion, the Commander in Chief of the Company's Forces in the Rohilla war, to the Select Committee: And when afterwards, that is to say, on the 25th of October 1774, he was required by the majority of the Council appointed by the Act of Parliament of 1773, whose opinion was by the said Act directed to be taken as the Act of the whole Council, to produce *all* his correspondence with Mr. Middleton and Colonel Champion, for the direction of their future proceedings, relative to the obscure, intricate, and critical transaction aforesaid, he did positively and pertinaciously refuse to deliver any other than such parts of the said correspondence as he thought convenient; covering his said illegal refusal under general vague pretences of secrecy, and danger from the communication; although the said order and instruction of the Court of Directors above-mentioned was urged to him, and although it was represented to him by the said Council, that they, as well as he, were bound by an oath of secrecy: Which refusal to obey the orders of the Court of Directors (orders specially and on weighty grounds of experience pointed to cases of this very nature) gave rise to much jealousy, and excited great suspicions relative to the motives and grounds on which the Rohilla war had been undertaken.

XV.

That the said Warren Hastings, in the grounds alleged in his justification, of his refusal to communicate

to his colleagues in the superior Council, his correspondence with Mr. Middleton, the Company's Resident at Oude, was guilty of a new offence; arrogating to himself unprecedented and dangerous powers, on principles utterly subversive of all order and discipline in service, and introductory to corrupt confederacies and disobedience among the Company's servants; the said Warren Hastings insisting, that Mr. Middleton, the Company's covenanted servant, the public Resident for transacting the Company's affairs at the Court of the Soubah of Oude, and as such receiving from the Company a salary for his service, was no other than the *official agent* of him the said Warren Hastings, and that, being such, he was not obliged to communicate his correspondence.

XVI.

That the Court of Directors, and afterwards a General Court of the Proprietors of the East India Company, although the latter shewed favourable dispositions towards the said Warren Hastings, and expressed (but without assigning any ground or reason) the highest opinion of his services and integrity, did unanimously condemn (along with his conduct relative to the Rohilla treaty and war,) his refusal to communicate his whole correspondence with Mr. Middleton to the Superior Council; yet the said Warren Hastings, in defiance of the opinion of the Directors, and the unanimous opinion of the General Court of the said East India Company, as well as the precedent positive orders of the Court of Directors, and the injunctions of an Act of Parliament, has, from that time to the present, never made any communication of the whole of his correspondence to the Governor General and Council, or to the Court of Directors.

No. II.

INSPECTION OF TREATIES WITH THE
GREAT MOGUL.

I.

THAT, in a solemn Treaty of Peace, concluded the 16th of August 1765, between the East India Company and the late Nabob of Oude, Shuja ul Dowla, and highly approved of, confirmed, and ratified by the said Company, it is agreed, " That the King Shaw Allum shall remain in full possession of Cora, and " such part of the Province of Illiabab as he now possesses, which are ceded to his Majesty as a royal Demesne, for the support of his dignity and expences."

II.

That, in a separate agreement, concluded at the same time, between the King Shaw Allum, and the then Subadar of Bengal, under the immediate security and guaranty of the English Company, the faith of the Company was pledged to the said King for the annual payment of twenty-six lacks of rupees, for his support, out of the revenues of Bengal; and the said Company did then receive from the said King a grant of the Dewanny of the provinces of Bengal, Bahar, and Orissa, on the express condition of their being security for the annual payment abovementioned; —That the East India Company have held, and continue to hold the Dewanny so granted, and, for some years, have complied with the conditions, on which they accepted of the grant thereof; and have at all times acknowledged that they held the Dewanny *in virtue of the Mogul's grant.*

III.

That the said Court of Directors, in their letter of the 30th June 1769, to Bengal, declared, " that they " esteemed themselves bound by treaty to protect the
" King's

“ King’s person, and secure him the possession of the
 “ Corah and Illahabad districts;” and, supposing an
 agreement should be made, respecting these provinces,
 between the King and Shuja ul Dowla, the Directors
 then said, “ that they should be subject to no farther
 “ claim or requisition from the King, excepting from
 “ the stipulated tribute for Bengal, which they (the
 “ Governor and Council) were to pay to his agent, or
 “ remit to him in such manner as he might direct.”

IV.

That in the year 1772, the King Shaw Allum,
 who had hitherto resided at Allahabad, trusting to en-
 gagements which he had entered into with the Marattas,
 quitted that place and removed to Delhi; but, having
 soon quarrelled with those people, and afterwards being
 taken prisoner, had been treated by them with very
 great disrespect and cruelty:—That, among other in-
 stances of their abuse of their immediate power over
 him, the Governor and Council of Bengal, in their
 letter of the 16th of August 1773, inform the Court
 of Directors, that he had been *compelled, while a priso-
 ner in their hands, to grant Sunnuds for the surrender of
 Corah and Illiabad to them*; and it appears from sundry
 other minutes of their own, that the said Governor
 and Council did at all times consider the surrender
 abovementioned as *extorted from the King, and unques-
 tionably an act of violence*, which could not alienate, or
 impair his right to those provinces; and that, when
 they (the Council) took possession thereof, it was at
 the request of the King’s Naib, or Viceroy, who put
 them under the Council’s *protection*; that, on this foot-
 ing they were accepted by the said Warren Hastings
 and his Council, and for some time considered by them
 as a deposit committed to their care by a Prince, to
 whom the possession thereof was particularly guarantied
 by the East India Company.—In their letter of the 1st
 of March 1773, they, (the said Warren Hastings and
 his Council) say, “ In no shape can this compulsory
 “ cession by the King release us from the obligation we
 “ are under to defend the provinces, which we have
 “ so

“ so particularly guarantied to him.” But it appears that they soon adopted other ideas, and assumed other principles concerning this object. In the instructions, dated the 23d of June 1773, which the Council of Fort William gave to the said Warren Hastings, previous to his interview with the Nabob Shuja ul Dowla at Benares, they say, that, “ while the King continued at Delhi, whither he proceeded in opposition to their most strenuous remonstrances, they should certainly consider the engagements between him and the Company as dissolved, by his alienation from them and their interest;—that the possession of so remote a country could never be expected to yield any profit to the Company, and the defence of it must require a perpetual aid of their forces;” yet in the same instructions, they declare their opinion, that, “ if the King should make overtures to renew his former connection, *his right to reclaim the districts of Corah and Illiabad could not with propriety be disputed;*” and they authorize the said Warren Hastings to restore them to him, *on condition that he should renounce his claim to the annual tribute of twenty-six lack of rupees, hereinbefore mentioned, and to the arrears which might be due;*—thereby acknowledging the justice of a claim, which they determined not to comply with, but in return for the surrender of another equally valid:—That, nevertheless, in the treaty concluded by the said Warren Hastings with Shuja ul Dowla, on the 7th of September 1773, it is asserted, that his Majesty (meaning the King Shaw Alum) having “ abandoned the districts of Corah and Illiabad, and given a Sunnud for Corah and Currah to the Mahrattas, had thereby forfeited his right to the said districts;” although it was well known to the said Warren Hastings, and had been so stated by him to the Court of Directors, that this surrender, on the part of the King, had been extorted from him by violence, while he was a prisoner in the hands of the Mahrattas; and although it was equally well known to the said Warren Hastings, that there was nothing in the original treaty of 1765, which could restrain the King from changing the place of his Residence, consequent y

quently that his removal to Delhi could not occasion a forfeiture of his right to the provinces secured to him by that treaty.

V.

That the said Warren Hastings, in the Report which he made of his interview and negotiations with Sujah ul Dowla, dated the 4th of October 1773, declared "that the administration would have been culpable in the highest degree, in retaining possession of Corah and Illiabad *for any other purpose than that of making an advantage by the disposal of them,*" and therefore he had ceded them to the Vizier for fifty lack of rupees; a measure for which he had no authority whatever from the King Shaw Allum, and in the execution of which no relerve whatever was made in favour of the rights of that Prince, nor any care taken of his interests.

VI.

That the sale of these provinces to Sujah Dowla involved the East India Company in a triple breach of justice, since, by the same act, they violated a treaty, they sold the property of another, and they alienated a deposit committed to their friendship and good faith, and as such accepted by them—That a measure of this nature is not to be defended on motives of policy and convenience, supposing such motives to have existed, without a total loss of public honour, and shaking all security in the faith of treaties; but that, in reality, the pretences urged by the said Warren Hastings, for selling the King's country to Sujah Dowla, were false and invalid—It could not strengthen our alliance with Sujah ul Dowla; since, paying a price for a purchase, he received no favour, and incurred no obligation. It did not free the Company from all the dangers attending either a remote property or a remote connexion; since, the moment the country in question became part of Suja Dowla's dominions, it was included in the Company's former guaranty of those dominions; and in case of invasion, the Company were obliged to send part of their army to defend it,

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at the requisition of the said Sujah Dowla : And if the remote situation of those provinces made the defence of them difficult and dangerous, much more was it a difficult and dangerous enterprize to engage the Company's force in an attack and invasion of the Rohillas, whose country lay at a much greater distance from the Company's frontier : Which, nevertheless, the said Warren Hastings agreed to, and undertook at the very time when, under pretence of the difficulty of defending Cora and Illiabad, he sold those provinces to Sujah Dowla. It did not relieve the Company from the *expence* of defending the country, since the revenues thereof far exceeded the subsidy to be paid by Sujah Dowla, and these revenues justly belonged to the Company as long as the country continued under their protection, and would have answered the expence of defending it.—Finally, that the sum of fifty lack of rupees, stipulated with the said Sujah Dowla, was inadequate to the value of the country, the annual revenues of which were stated at twenty-five lack of rupees, which General Sir Robert Barker, then Commander in Chief of the Company's forces, affirms, *was certain, and too generally known to admit of a doubt.*

VII.

That the King Shaw Allum received, for some years, the annual tribute of twenty-six lack of rupees above-mentioned, and was entitled to continue to receive it, by virtue of an engagement deliberately, and for an adequate consideration, entered into with him by the Company's servants, and approved of and ratified by the Company themselves;—this engagement was absolute and unconditional, and did neither express, nor suppose, any case, in which the said King should forfeit, or the Company should have a right to resume, the tribute ; nevertheless, the said Warren Hastings and his Council, immediately after selling the King's country to Suja Dowla, resolved to withhold, and actually withheld, the payment of the said tribute, of which the King Shaw Allum has never since received any part;—that this resolution of the Council is not justified,

justified, even by themselves, on principles of right and justice, but by arguments of policy and convenience, by which the best-founded claims of right and justice may at all times be set aside and defeated. "They judged it highly impolitic and unsafe to answer the drafts of the King until they were satisfied of his amicable intentions, and those of his new allies." But neither had they any reason to question the King's amicable intentions, nor was he pledged to answer for those of the Mahrattas; his trusting to the good faith of that people, and relying on their assistance, to reinstate him in the possession of his capital, might have been imprudent and impolitic; but these measures, however ruinous to himself, indicated no enmity to the English, nor were they productive of any effects injurious to the English interests. And it is plain, that the said Warren Hastings and his Council were perfectly aware that their motives or pretences for withholding the tribute were too weak to justify their conduct, having principally insisted on the reduced state of their treasury, which, as they said, *rendered it impracticable to comply with those payments.* The right of a creditor does not depend on the circumstances of the debtor; on the contrary, the plea of inability includes a virtual acknowledgement of the debt, *Once*, if the creditor's right were denied, the plea would be superfluous.

VIII.

That the East India Company, having on their part violated the engagements, and renounced the conditions, on which they received, and have hitherto held and enjoyed, the Dewanny of Bengal, Bahar, and Orissa, from the King Shaw Allum, have thereby forfeited all right and title to the said Dewanny, arising from the said grant, and that it is free and open to the said King to resume such grant; and to transfer it to any other Prince or state:—That, notwithstanding any distress or weakness, to which he may be actually reduced, his lawful authority, as sovereign of the Mogul Empire, is still acknowledged in India, and that his grant of the Dewanny would sufficiently authorize,

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at the requisition of the said Sujah Dowla : And if the remote situation of those provinces made the defence of them difficult and dangerous, much more was it a difficult and dangerous enterprize to engage the Company's force in an attack and invasion of the Rohillas, whose country lay at a much greater distance from the Company's frontier : Which, nevertheless, the said Warren Hastings agreed to, and undertook at the very time when, under pretence of the difficulty of defending Cora and Illiabad, he sold those provinces to Sujah Dowla. It did not relieve the Company from the *expence* of defending the country, since the revenues thereof far exceeded the subsidy to be paid by Sujah Dowla, and these revenues justly belonged to the Company as long as the country continued under their protection, and would have answered the expence of defending it.—Finally, that the sum of fifty lack of rupees, stipulated with the said Sujah Dowla, was inadequate to the value of the country, the annual revenues of which were stated at twenty-five lack of rupees, which General Sir Robert Barker, then Commander in Chief of the Company's forces, affirms, *was certain, and too generally known to admit of a doubt.*

VII.

That the King Shaw Allum received, for some years, the annual tribute of twenty-six lack of rupees above-mentioned, and was entitled to continue to receive it, by virtue of an engagement deliberately, and for an adequate consideration, entered into with him by the Company's servants, and approved of and ratified by the Company themselves;—this engagement was absolute and unconditional, and did neither express, nor suppose, any case, in which the said King should forfeit, or the Company should have a right to resume, the tribute ; nevertheless, the said Warren Hastings and his Council, immediately after selling the King's country to Suja Dowla, resolved to withhold, and actually withheld, the payment of the said tribute, of which the King Shaw Allum has never since received any part;—that this resolution of the Council is not justified,

justified, even by themselves, on principles of right and justice, but by arguments of policy and convenience, by which the best-founded claims of right and justice may at all times be set aside and defeated. "They judged it highly impolitic and unsafe to answer the drafts of the King until they were satisfied of his amicable intentions, and those of his new allies." But neither had they any reason to question the King's amicable intentions, nor was he pledged to answer for those of the Mahrattas; his trusting to the good faith of that people, and relying on their assistance, to reinstate him in the possession of his capital, might have been imprudent and impolitic; but these measures, however ruinous to himself, indicated no enmity to the English, nor were they productive of any effects injurious to the English interests. And it is plain, that the said Warren Hastings and his Council were perfectly aware that their motives or pretences for withholding the tribute were too weak to justify their conduct, having principally insisted on the reduced state of their treasury, which, as they said, *rendered it impracticable to comply with those payments.* The right of a creditor does not depend on the circumstances of the debtor; on the contrary, the plea of inability includes a virtual acknowledgement of the debt, ~~once~~, if the creditor's right were denied, the plea would be superfluous.

VIII.

That the East India Company, having on their part violated the engagements, and renounced the conditions, on which they received, and have hitherto held and enjoyed, the Dewanny of Bengal, Bahar, and Orissa, from the King Shaw Allum, have thereby forfeited all right and title to the said Dewanny, arising from the said grant, and that it is free and open to the said King to resume such grant; and to transfer it to any other Prince or state:—That, notwithstanding any distress or weakness, to which he may be actually reduced, his lawful authority, as sovereign of the Mogul Empire, is still acknowledged in India, and that his grant of the Dewanny would sufficiently au-
D thorize,

thorize, and materially assist any Prince or State that might attempt to dispossess the East India Company thereof, since it would convey a right, which could not be disputed, and to which nothing but force could be opposed. Nor can these opinions be more strongly expressed, than they have been lately by the said Warren Hastings himself, who, in a minute recorded the 1st of December 1784, has declared that, "fallen as the house of Timur is, it is yet the relic of the most illustrious line of the eastern world;—that *its sovereignty is universally acknowledged*, though the substance of it no longer exists; and that the Company itself derives its constitutional dominion from its ostensible bounty."

That the said Warren Hastings, by this declaration, has renounced and condemned the principle on which he avowedly acted towards the Mogul in the year 1773, when he denied that the Sunnuds or grants of the Mogul, if they were in the hands of another nation, would avail them any thing; and when he declared "that the sword, which gave us the dominion of Bengal, must be the instrument of its preservation, and that, if it should ever cease to be ours, the next proprietor would derive his *right* and possession from the same *natural charter*." That the said Warren Hastings, to answer any immediate purpose, adopts any principle of policy, however false or dangerous, without any regard to former declarations made, or to principles avowed on other occasions by himself; and particularly, in his conduct to Shaw Allum, he first maintained, that the grants of that Prince were of no avail, that we held the dominion of Bengal by the sword, which he has falsely declared the source of *right*, and the *natural charter* of dominion; whereas, at a later period, he has declared, that the sovereignty of the family of Shâ Allum is universally acknowledged, and that the Company itself derives its constitutional dominion from their ostensible bounty.

No III.

PART I.

Rights and Titles of the Rajah of Benares.

I.

THAT the territory of Benares is a fruitful, and has been, not long since, an orderly, well cultivated, and improved province; of great extent; and its capital city, as Warren Hastings, Esq. has informed the Court of Directors in his letter of the 21st of November 1781, "is highly revered by the natives of the Hindû persuasion; so that many, who have acquired independent fortunes, retire to close their days in a place so eminently distinguished for its sanctity:" and he further acquaints the Directors, that it may rather be considered as the seat of the Hindû religion, than as the capital of a province. But as its inhabitants are not composed of Hindûs only, the *former* wealth which flowed into it from the offerings of pilgrims, as well as from the transactions of exchange, for which its central situation is adapted, has attracted numbers of Mahomedans, who still continue to reside in it with their families." And these circumstances of the city of Benares, which not only attracted the attention of all the different descriptions of men who inhabit Indostan, but interested them warmly in whatever it might suffer, did, in a peculiar manner, require, that the Governor General and Council of Calcutta should conduct themselves with regard to its rulers and inhabitants, when it became dependant on the Company, on the most distinguished principles of good faith, equity, moderation, and mildness.

II.

That the Rajah Bulwant Sing, late Prince or Zemindar of the province aforesaid, was a great Lord of the Mogul Empire, dependant on the same, through the Vizier of the Empire, the late Sujah ul Dowla, Nabob of Oude; and the said Bulwant Sing, in the commencement of the English power, did attach himself to the cause of the English Company; and the Court of Directors of the said Company did acknowledge, in their letter of the 26th of May 1768, that "Bulwant Sing's joining us, at the time he did, was of *signal service*, and the stipulation in his favour was what he was justly entitled to;"—and they did commend "the care that had been taken (by the then presidency) of those that had shewn their attachment to them (the Company) during the war;" and they did finally express their hope and expectation in the words following: "The moderation and attention paid to those who have espoused our interests in this war, will *restore* our reputation in Hindostan, and that the Indian powers will be convinced NO *breach of treaty will ever have our sanction.*"

III.

That the Rajah Bulwant Sing died on the 23d of August 1770, and his son, Cheit Sing, succeeding to his rights and pretensions, the Presidency of Calcutta (John Cartier, Esquire, being then President) did instruct Captain Gabriel Harper, to procure a confirmation of the succession to his son Cheit Sing, "as it was of the utmost political import to the Company's affairs; and that the young man ought not to consider the price to be paid to satisfy *the Vizier's jealousy and avarice.*" And they did further declare as follows: "The strong and inviolable attachment which subsisted betwixt the Company and the father, makes us most readily interpose our good offices for the son." And the young Rajah aforesaid, having agreed, under the mediation of
Captain

Captain Harper, to pay near two hundred thousand pounds as a gift to the said Vizier, and to increase his tribute by near thirty thousand pounds annually, a deed of confirmation was passed by the said Vizier to the said Rajah, and his heirs, by which he became a purchaser for valuable considerations of his right and inheritance in the Zemindary aforesaid. In consequence of this grant, so by him purchased, the Rajah was solemnly invested with the government in the city of Benares, "amidst the acclamations of a numerous people, and to the great satisfaction of all parties." And the said Harper, in his letter of the 8th October 1770, giving an account of the investiture aforesaid, did express himself in these words: "I will leave the young Rajah, and others, to acquaint you how I have conducted myself: only thus much let me say, that I have kept a strict eye not to diminish our national honour, disinterestedness, and justice; which I will conclude has had a greater effect in securing to the Company their vast possessions, than even the force of arms, however formidable, could do." And the President of Calcutta testified his approbation of the said Harper's conduct, in the strongest terms, that is in the following: "Your disinterestedness has been equally distinguishable as your abilities, and both do you the greatest honour."

IV.

That the agreement between the Rajah and Nabob aforesaid, continued on both sides without any violation, under the sanction and guarantee of the East India Company, for three years; when Warren Hastings, Esquire, being then President, did propose a further confirmation of the said grant; and did, on the 12th of October 1773, obtain a delegation for himself to be the person to negotiate the same: it being his opinion, as expressed in his Report of October 4th, 1773, that the Rajah was not only entitled to the inheritance of his Zemindary by the grants through Captain Harper, but that the preceding treaty of

of Illabad, though literally expressing no more than a security personal to Bulwant Sing, did notwithstanding, in the true sense and import thereof, extend to his posterity; "and that it had been differently understood" (that is not literally) by the Company, and by this "administration; and the Vizier had *before* put it "out of all dispute, by the solemn act passed in the "Rajah's favour on his succession to the Zemindary."

V.

That the Council, in their instructions to the said Governor Hastings, did empower him "to *renew*, in "behalf of the Rajah Cheit Sing, the stipulation "which was formerly made with the Vizier, in consideration of his services in 1764;" and the government was accordingly settled on the Rajah and his posterity, or to his heirs, on the same footing on which it was granted to his said father, excepting the addition aforesaid to the tribute; with an express provision, "that *no increase* shall ever hereafter be demanded." And the grant and stipulation aforesaid was further confirmed by the said Sujah ul Dowla, under the Company's guarantee, by the most solemn and awful form of oath known in the Mahomedan religion, inserted in the body of the deed or grant; and the said Warren Hastings, strongly impressed with the opinion of the propriety of protecting the Rajah, and of the injustice, malice, and avarice of the said Sujah Dowla, and the known family enmity subsisting between him and the Rajah, did declare, in his report to the Council, as follows: "I am well convinced that the Rajah's inheritance, and perhaps "his life, are no longer safe than while he enjoys "the Company's protection, which is his due by the "ties of justice, and the obligations of public faith."

VI.

That some time after the new confirmation aforesaid, that is to say, in the year 1774, the Governor General
and

and Council, which had been formed, and the Members thereof appointed, by Act of Parliament, did obtain the assignment of the sovereignty paramount of the said government by treaty with the Nabob of Oude; by which, although the supreme dominion was changed, the terms and the conditions of the tenure of the Rajah of Benares remained; as the said Nabob of Oude could transfer to the East India Company no other or greater estate than he himself possessed in or over the said Zemindary. But, to obviate any misconstruction on the subject, the said Warren Hastings did propose to the Board, that whatever provision might in the said treaty be made for the interest of the Company, the same should be "without an encroachment on the just rights of the Rajah, or the engagements actually subsisting with him."

VII.

That the said Warren Hastings then having, or pretending to have, an extraordinary care of the interest of the Rajah of Benares, did, on this transfer of the sovereignty, propose a new grant to be conveyed in new instruments to the said Rajah, conferring upon him further privileges; namely, the addition of the sovereign rights of the mint, and of the right of criminal justice of life and death: and he, the said Warren Hastings, as Governor General, did himself propose the Resolution for that purpose in Council, in the following words, with remarks explanatory of the principles upon which the grants aforesaid were made; namely,

"That the perpetual and independent possession of
 "the Zemindary of Benares, and its dependencies,
 "be confirmed and guaranteed to the Rajah Chejt Sing
 "and his heirs for ever, subject only to the annual payment
 "of the revenues hitherto paid to the late Vizier, amount-
 "ing Benares, *sc.* rupees, 23,71,656,12, to be
 "disposed of as is expressed in the following article:
 "That no other demand be made on him, either by the Nabob
 "of

“ of Oude, or this government ; nor any kind of authority
 “ or jurisdiction be exercised by either within the districts
 “ assigned him.” To which minute he, the said Warren
 Hastings, did subjoin the following observation in
 writing, and recorded therewith in the Council books,
 that is to say : “ The Rajah of Benares, from the situation
 “ of his country, which is a frontier to the provinces of Oude
 “ and Bahar, may be made a serviceable Ally to the Com-
 “ pany, whenever their affairs shall require it. He has
 “ always been considered in this light both by the Company
 “ and the successive Members of the late Council ; but, to
 “ insure his attachment to the Company, his interest must be
 “ connected with it, which cannot be better effected than by
 “ freeing him totally from the REMAINS of his present
 “ vassalage, under the guarantee and protection of the Com-
 “ pany ; and at the same time guarding him against any ap-
 “ prehensions from this government, by thus pledging its
 “ faith that no encroachment shall ever be made on his
 “ rights by the Company.” And the said Warren Haf-
 tings, on the fifth of July 1775, did himself propose,
 among other articles of the treaty relative to this ob-
 ject, one of the following tenor : “ That whilst the
 “ Rajah shall continue faithful to these engagements,
 “ and punctual in his payments, and shall pay due obe-
 “ dience to the authority of this government, no more
 “ demands shall be made upon him by the honourable
 “ Company, of ANY KIND ; or on any pretence
 “ whatsoever, shall any person be allowed to interfere
 “ with his authority, or to disturb the peace of his
 “ country.” And the said article was by the other
 Members of the Council assented to without debate.

VIII.

That on transferring the Rajah's tribute from the
 Nabob to the Company, the stipulation which had
 before been made with the Nabob was renewed on
 the proposition of the said Warren Hastings himself,
 and expressed in a yet more distinct manner, namely,
 “ That no more demands shall be made upon
 “ him,

" him, by the honourable Company, of any kind:"
 and the said Warren Hastings, in justification of his
 proposal of giving the Rajah "a complete and uncon-
 trolled authority over his Zemindary," did enter on
 the Council book the following reasons for investing
 him with the same; strongly indicating the situation
 in which he must be left under any other circumstances,
 whether under the Nabob of Oude, or under the Eng-
 lish, or under the double influence of both: "That
 " the security of his person and possessions, from the
 " Company's protection, may be rated equal to many
 " lacks of rupees; *which, though saved to him, are no*
 " *loss to the government on which he depends, being all*
 " *articles of invisible expence;* in fees to the Ministers
 " and Officers of the Nabob; in the charges of a dou-
 " ble establishment of Vackeels to both governments;
 " in presents and charges of accomodation to the
 " Nabob, during his residence at any place within the
 " boundaries of his Zemindary; in the *frauds, embez-*
 " *zlements, and oppressions exercised in the Mint and Cut-*
 " *wally;* besides the allowed profits of those Officers,
 " and the advantages which every man in *occasional po-*
 " *wer, or in the credit of it, might make of the Rajah's*
 " *known weakness,* and the dread he stood in both of the
 " displeasure of the Nabob, *and the ill will of individuals*
 " *among the English, who were all considered, either in*
 " *their present stations or connections, or the right of suc-*
 " *cession, as Members of the state of Bengal.* It would
 " be scarce possible to enumerate all the inconveniencies
 " to which the Rajah was liable *in his former situation,*
 " or to estimate the precise effect which they produced
 " on his revenue, and on the gross amount of his ex-
 " pence; but it may be easily conceived, that both
 " were *enormous* and of a nature the most likely to
 " lessen the profits of government, instead of adding to
 " them." And in justification of his proposal of giv-
 ing the Rajah the symbols of sovereignty in the power
 of life and death, and in the coining of money, as
 pledges of his *independence,* he states the deplorable
 situation of Princes reduced to dependance on the
 Vizier, or the Company, and obliged to entertain an
 E English

English resident at their Court, in the following words:

“ It is proposed to receive the payment of his (the
 “ Rajah's) Rents at Patna, because that is the nearest
 “ provincial station, and because it would not frustrate
 “ the *intention of rendering the Rajah independent*. If a
 “ resident was appointed to receive the money, as it
 “ became due, at Benares, *such a resident* would un-
 “ avoidably acquire an influence over the Rajah, and
 “ over his country, *which would in effect render him the*
 “ *master of both*. This consequence might not per-
 “ haps be brought completely to pass without a *strug-*
 “ *gle, and many appeals to Council*, which, in a govern-
 “ ment constituted like this, cannot *fail to terminate*
 “ *against the Rajah*; and, by the construction to which his
 “ *opposition to the agent would be liable*, might eventually
 “ *draw on him severe restrictions, and in reducing him to*
 “ *the mean and depraved state of a mere Zemindar.*”

IX.

That in order to satisfy the said Rajah of the intentions of the Company towards him, and of the true sense and construction of the grants to him, the said Rajah, to be made, the Governor General (he the said Warren Hastings) and Council did, on the 24th Aug. 1775, instruct Mr. Fowke, the resident at the Rajah's Court, in the following words: “ It is proper to assure
 “ the Rajah we do not mean to encrease his tribute,
 “ but to require from him an *exact* sum. That, under
 “ the sovereignty of the Company, we are determined
 “ to leave him the free and uncontrolled management
 “ of the internal government of his country, and the
 “ collection and regulation of the revenues, so long as
 “ he adheres to the terms of his engagement; and will
 “ *never demand any augmentation of the annual tri-*
 “ *bute which may be fixed.*”

X.

That the said Warren Hastings and the Council General, not being satisfied with having instructed the
 resident

resident to make the representation aforesaid, to remove all suspicion that by the new grants any attempt should insidiously be made to change his former tenure, did resolve, that a letter should be written by the Governor General himself to the Rajah of Benares, to be delivered to Mr. Fowke, the resident, together with his credentials; in which letter they declare "the Board willing
 " to continue the grant of the Zemindary to him, in
 " as full and ample a manner as he possessed it from former
 " sovereigns; and on his paying the annual tribute,
 " &c." And in explaining the reasons for granting to him the mint and criminal justice; they inform him, that this is done in order "that he may possess an un-
 " controlled and free authority in the regulation and go-
 " vernment of his Zemindary."

XI.

That, on the 26th February 1776, the Board and Council did order that the proper instruments should be prepared for conveying to the Rajah aforesaid the government and criminal justice and mint of Benares, with its dependencies, "in the usual form; expressing
 " the conditions already resolved on in the several proceed-
 " ings of the Board." And on the same day a letter was written to the resident at Benares, signifying that they had ordered the proper instrument to be prepared, specifying the terms concerning the remittance of the Rajah's tribute to Calcutta, as well as "the several
 " other conditions which had been already agreed to; and
 " that they should forward it to him, to be delivered
 " to the Rajah." And on the 20th of March following the Board did again explain the terms of the said tribute in a letter to the Court of Directors; and did add, "that a Sunnud (grant or patent) for his (Cheit
 " Sing's) Zemindary should be furnished him, on these,
 " and the conditions before agreed on."

XII.

That during the course of the transactions aforesaid in Council, and the various assurances given to the

Rajah and the Court of Directors, certain improper and fraudulent practices were used with regard to the symbols of investiture which ought to have been given, and the form of the deeds by which the said Zemindary ought to have been granted; for it appears that the original deeds were signed by the Board on the 4th of September 1775, and transmitted to Mr. Fowke, the resident at the Rajah's Court; and that, on the 20th of November following, the Court of Directors were acquainted, by the said Warren Hastings and the Council, that Rajah Cheit Sing had been invested with the Sunnuds (charters or patents) for his Zemindary, and the Kellaut (or robes of investiture) in all the proper forms. But, on the 1st of October 1775, the Rajah did complain to the Governor General and Council, that the Kellaut (or robes) with which he was to be invested, according to their order, "*is not of the same kind*" as that which he received from the "*late Vizier on the like occasion.*" In consequence of the said complaint, the Board did, in their letter to the resident of the 11th of the same month, desire him "*to make inquiry respecting the nature of the Kellaut,*" and invest him with "*one of the same sort,*" on the part "*of this government,*" instead of that which they formerly described to him." And it appears highly probable, that the instruments which accompanied the said robes of investiture were made in a manner conformable to the orders and directions of the Board, and the conditions by them agreed to; as the Rajah, who complained of the insufficiency of the robes, did make no complaint of the insufficiency of the instruments, or of any deviation in them for those he had formerly received from the Vizier. But a copy or duplicate of the said deeds or instruments were in some manner surreptitiously disposed of, and withheld from the records of the Company, and never were transmitted to the Court of Directors.

XIII.

That several months after the said settlement and investiture, namely, on the 15th of April 1776, the
Secretary

Secretary, informed the Court that he had prepared a Sunnud, Caboleat, and Pottah (that is, a patent, an agreement, and a rent roll) for Cheit Sing's Zemindary; and the Board ordered the same to be executed. But the resident, on receiving the same, did transmit the several objections made by the Rajah thereto, and particularly to a clause in the patent, made in direct contradiction to the engagements of the Council so solemnly and repeatedly given; by which clause the former patents *are declared to be null*. That on the representation aforesaid, on the 29th July, the Secretary was ordered to prepare new and proper instruments, omitting the clause declaring the former *Patents to be null*, and the said new patents were delivered to the Rajah; and the others which he objected to, as well as those which had been delivered to him originally, were returned to the presidency. But neither the first set of deeds, nor the fraudulent patent aforesaid, nor the new instruments made out on the complaint of the Rajah, omitting the exceptionable words, have been inserted in the records, although it was the particular duty of the said Warren Hastings, that all transactions with the country powers should be faithfully entered; as well as to take care that all instruments transmitted to them, on the faith of the Company, should be honestly, candidly, and fairly executed, according to the true intent and meaning of the engagements entered into on the part of the Company; the said Hastings, giving, by the complicated, artificial, and fraudulent management aforesaid, as well as by his omitting to record the said material document, strong reason to presume that he did even then meditate to make some evil use of the deeds which he thus withheld from the company, and which he did afterwards in reality make, when he found means and opportunity to effect his evil purpose.

END OF PART I.

PART

P A R T II.

Designs of Mr. Hastings to ruin the Rajah
of Benares.

I.

THAT the tribute transferred to the Company, by the treaty with the Nabob of Oude, being 250,000*l.* a year sterling, and upwards, without any deductions whatsoever, was paid monthly, with such punctual exactness, as had no parallel in the Company's dealings with any of the native princes, or with any subject Zemindar, being the only one who never was in arrears; and, according to all appearance, a perfect harmony did prevail between the Supreme Council at Calcutta and the Rajah. But though the Rajah of Benares furnished no occasion of displeasure to the Board, yet it since appears that the said Warren Hastings did, at some time in the year 1777, conceive displeasure against him. In that year, he, the said Warren Hastings, retracted his own act of resignation of his office, made to the Court of Directors through his agent Mr. Maclean; and, calling in the aid of the military to support him in his authority, brought the divisions of the government, (according to his own expression) "to an extremity bordering on civil violence." This extremity he attributes, in a narrative by him transmitted to the Court of Directors, and printed, not to his own fraud and prevarication, but to what he calls "an attempt to wrest from him his authority;" and in the said narrative he pretends that the Rajah of Benares had deputed an agent, with an express commission, to his opponent Sir John Clavering.—This fact, if it had been true, (which is not proved) was in no sort criminal or offensive to the Company's Government; but was at first sight nothing more than a proper mark of duty and respect to the supposed succession of office.

Nor

Nor is it possible to conceive, in what manner it could offend the said Hastings, if he did not imagine that the express commission, to which in the said narrative he refers, might relate to the discovery to Sir John Clavering of some practice which he might wish to conceal; the said Clavering, whom he styles "*his opponent*," having been engaged, in obedience to the Company's express orders, in the discovery of sundry peculations, and other evil practices, charged upon the said Hastings. But although, at the time of the said pretended deputation, he dissembled his resentment, it appears to have rankled in his mind, and that he never forgave it, of whatever nature it might have been (the same never having been by him explained;) and some years after he recorded it in his justification of his oppressive conduct towards the Rajah, urging the same, with great virulence and asperity, as a proof or presumption of his the said Rajah's disaffection to the Company's Government: and, by his subsequent acts, he seems from the first to have resolved, when opportunity should occur, on a severe revenge.

II.

That having obtained, in his casting vote, a majority in Council, on the death of Sir John Clavering and Mr. Monson, he did suddenly, and without any previous general communication with the Members of the Board, by a minute of consultation of the 9th of July 1778, make an extraordinary demand, namely, "that the Rajah of Benares should *consent* to the establishment of three regular battalions of Sepoys: "*to be raised and maintained at his own expence*;" and the said expence was estimated at between fifty and sixty thousand pounds sterling.

III.

That the said requisition did suppose the *consent* of the Rajah, the very word being inserted in the body of his, the said Warren Hastings's minute; and the same

was

was agreed to, though with some doubts on the parts of two of his colleagues, Mr. Francis and Mr. Wheler, concerning the right of making the same, even worded as it was. But Mr. Francis and Mr. Wheler sooner after finding that the Rajah was much alarmed by this departure from the treaty, the requisition aforesaid was strenuously opposed by them. The said Hastings did, notwithstanding this opposition, persevere; and by his casting vote alone did carry the said unjust and oppressive demand. The Rajah submitted, after some murmuring and remonstrance, to pay the sum required; but on the express condition (as has been frequently asserted by him to the said Warren Hastings, without any contradiction) that the exaction should continue *but for one year, and should not be drawn into precedent.* He also requested that the extraordinary demand should be paid along with the instalments of his monthly tribute: But although the said Warren Hastings did not so much as pretend that the instant payment was at all necessary, and though he was urged by his before mentioned colleagues to moderate his proceedings, he did insist upon immediate payment of the whole; and did deliver his demand in proud and insulting language, wholly unfit for a governor of a civilized nation to use towards eminent persons in alliance with, and in honourable and free dependence upon its government; and did support the same with arguments full of unwarrantable passion, and with references to reports affecting merely his own personal power and consideration, which reports were not proved, nor attempted to be proved; and, if proved, furnishing reasons insufficient for his purpose, and indecent in any public proceedings. And the said Hastings did cause the said sums of money to be rigorously exacted; although no such regular battalions, as he pretended to establish as a colour for his demand on the Rajah, were then raised, nor any steps taken towards raising them. And when the said Rajah pleaded his inability to pay the whole sum at once, he, the said Hastings, persevering in his said outrageous and violent demeanour, did order the Resident to wait on the Rajah forthwith, and “demand of him in
“ person,

“ person, and by writing, the full payment in specie
 “ to be made to him within five days of such demand;
 “ and to declare to him, in the name of this Govern-
 “ ment, that his evading or neglecting to accomplish
 “ the payment thereof within that space of time, should
 “ be deemed *equivalent to an absolute refusal*; and in
 “ case of non-compliance with this (the Resident’s)
 “ demand, *we peremptorily enjoin you to refrain from all*
 “ *further intercourse with him:*” The said Hastings ap-
 pearing, by all his proceedings, to be more disposed to
 bring on a quarrel with the Prince of Benares, than to
 provide money for any public service.

IV.

That the said demand was complied with, and the
 whole thereof paid on the 10th of October, that year.
 And the said Rajah did write to the said Hastings a
 letter, in order to mitigate and mollify him, declaring
 to the said Hastings, that his sole reliance was on
 him, “ and that in every instance he depended on his
 “ faith, religion, promises, and actions.” But he,
 the said Warren Hastings, as if the being reminded of
 his faith and promises were an incentive to him to vio-
 late the same, although he had agreed that his demand
 should not be drawn into precedent, and the payment of
 the 50,000l. aforesaid should continue only for one year,
 did, the very day after he had received the letter aforesaid,
 renew a demand of the same nature; and on the
 same pretence, this year, even less plausible than the
 former of three battalions *to be raised*. The said Rajah,
 on being informed of this requisition, did remind the
 said Warren Hastings that he engaged, in the last year,
 that but one payment should be made, and that he
 should not be called upon in future; and pleading in-
 ability to discharge the new demand, declared himself
 in the following words to the said Warren Hastings:
 “ I am therefore hopeful you will be kindly pleased to
 “ excuse me the five lacks now demanded, and that
 “ nothing may be demanded of me beyond the a-
 “ mount expressed in the Pottah.”

F

V. That

was agreed to, though with some doubts on the parts of two of his colleagues, Mr. Francis and Mr. Wheeler, concerning the right of making the same, even worded as it was. But Mr. Francis and Mr. Wheeler sooner after finding that the Rajah was much alarmed by this departure from the treaty, the requisition aforesaid was strenuously opposed by them. The said Hastings did, notwithstanding this opposition, persevere; and by his casting vote alone did carry the said unjust and oppressive demand. The Rajah submitted, after some murmuring and remonstrance, to pay the sum required; but on the express condition (as has been frequently asserted by him to the said Warren Hastings, without any contradiction) that the exaction should continue *but for one year, and should not be drawn into precedent.* He also requested that the extraordinary demand should be paid along with the instalments of his monthly tribute: But although the said Warren Hastings did not so much as pretend that the instant payment was at all necessary, and though he was urged by his before mentioned colleagues to moderate his proceedings, he did insist upon immediate payment of the whole; and did deliver his demand in proud and insulting language, wholly unfit for a governor of a civilized nation to use towards eminent persons in alliance with, and in honourable and free dependence upon its government; and did support the same with arguments full of unwarrantable passion, and with references to reports affecting merely his own personal power and consideration, which reports were not proved, nor attempted to be proved; and, if proved, furnishing reasons insufficient for his purpose, and indecent in any public proceedings. And the said Hastings did cause the said sums of money to be rigorously exacted; although no such regular battalions, as he pretended to establish as a colour for his demand on the Rajah, were then raised, nor any steps taken towards raising them. And when the said Rajah pleaded his inability to pay the whole sum at once, he, the said Hastings, persevering in his said outrageous and violent demeanour, did order the Resident to wait on the Rajah forthwith, and “demand of him in
“ person,

“ person, and by writing, the full payment in specie
 “ to be made to him within five days of such demand;
 “ and to declare to him, in the name of this Govern-
 “ ment, that his evading or neglecting to accomplish
 “ the payment thereof within that space of time, should
 “ be deemed *equivalent to an absolute refusal*; and in
 “ case of non-compliance with this (the Resident’s)
 “ demand, *we peremptorily enjoin you to refrain from all*
 “ *further intercourse with him*.” The said Hastings ap-
 pearing, by all his proceedings, to be more disposed to
 bring on a quarrel with the Prince of Benares, than to
 provide money for any public service:

IV.

That the said demand was complied with, and the
 whole thereof paid on the 10th of October, that year.
 And the said Rajah did write to the said Hastings a
 letter, in order to mitigate and mollify him, declaring
 to the said Hastings, that his sole reliance was on
 him, “ and that in every instance he depended on his
 “ faith, religion, promises, and actions.” But he,
 the said Warren Hastings, as if the being reminded of
 his faith and promises were an incentive to him to vio-
 late the same, although he had agreed that his demand
 should not be drawn into precedent, and the payment of
 the 50,000l. aforesaid should continue only for one year,
 did, the very day after he had received the letter aforesaid,
 renew a demand of the same nature; and on the
 same pretence, this year, even less plausible than the
 former of three battalions *to be raised*. The said Rajah,
 on being informed of this requisition, did remind the
 said Warren Hastings that he engaged, in the last year,
 that but one payment should be made, and that he
 should not be called upon in future; and pleading in-
 ability to discharge the new demand, declared himself
 in the following words to the said Warren Hastings:
 “ I am therefore hopeful you will be kindly pleased to
 “ excuse me the five lacks now demanded, and that
 “ nothing may be demanded of me beyond the a-
 “ mount expressed in the Pottah.”

F

V. That

V.

That on the day after the receipt of this letter, that is, on the 28th August 1779, he, the said Warren Hastings, made a reply to the said letter; and, without any remark whatsoever on the allegation of the Rajah, stating to him his engagement that he, the said Rajah, should not be called upon in future, he says, "I now repeat my demand, that you do, on the receipt of this, without evasion or delay, pay the five lack of rupees into the hands of Mr. Thomas Graham, who has orders to receive it from you; and, in case of your refusal, to summon the two battalions of Sepoys, under the command of Major Camac, to Benares, that measures may be taken to oblige you to a compliance: And, in this case, the whole expence of the corps, from the time of its march, will fall on you."

VI.

That the said Rajah did a second and third time represent to the said Warren Hastings, that he had broke his promise, and the said Hastings did in no manner deny the same; but did, in contempt thereof, as well as of the original treaty between the Company and the Rajah, order two battalions of troops to march into his territories, and in a manner the most harsh, insulting, and despotic, as if to provoke that Prince to some act of resistance, did compel him to the payment of the said second unjust demand; and did extort also the sum of 2,000*l.* on pretence of the charge of the troops employed to coerce him.

VII.

That the third year, that is to say, in the year 1780, the same demand was, with the same menaces, renewed; and did, as before, produce several humble remonstrances and submissive complaints, which the said Hastings did always treat as crimes and offences of the highest order: And although in the regular subsidy or tribute,

tribute, which was monthly payable by treaty, fifty days of grace were allowed on each payment, and after the expiration of the said fifty days one quarter per cent. only was provided as a penalty, he, the said Warren Hastings, on some short delay of payment of his third arbitrary and illegal demand, did presume, of his own authority, to impose a fine or mulct of 10,000l. on the said Rajah : And though it does not appear whether or no the same was actually levied, the said threat was soon after followed by an order, from the said Hastings, for the march of troops into the country of Benares, as in the preceding year.

VIII.

That these violent and insulting measures failing to provoke the Rajah, and he having paid up the whole demand, the said Warren Hastings being resolved to drive him to extremities, did make on the said Rajah a sudden demand, over and above the ordinary tribute or subsidy of £. 260,000 per annum, and over and above the £. 50,000 extraordinary to provide a body of cavalry for the service of the Bengal Government.

IX.

The demand, as expressed in the minute of consultation, and in the public instructions of the Board to the resident, to make the requisition, is " for such part of " the cavalry entertained in his service as he can spare ;" and the demand is in this, and in no other manner, described by the Governor General and Council in their letter to the Court of Directors. But in a narrative of the said Warren Hastings, addressed to Edward Wheeler, Esquire, it appears, that upon the Rajah's making difficulties, according to the representation of the said Hastings, relative to the said requisition, the correspondence concerning which the said Hastings hath fraudulently suppressed, he, the said Hastings, instead of adhering to the requisition of such cavalry *as the Rajah could spare*, and which was all that by the order of

Council he was authorized to make, did, of his own private and arbitrary authority, in some letter which he hath suppressed, instruct the resident Markham to make a peremptory demand for 2000 cavalry, which he well knew to be more than the Rajah's finances could support, estimating the provision for the same at £.96,000 a year at the lowest, though the expence of the same would probably have been much more : which extravagant demand the said Hastings could only have made in hopes of provoking the Rajah to some imprudent measure, or passionate remonstrance. And this arbitrary demand of cavalry was made and peremptorily insisted on, although in the original treaty with the said Rajah it was left entirely optional whether or not he should keep up any cavalry at all : and in the minute of consultation it was expressly mentioned to be thus optional : and that for whatsoever cavalry he, the said Rajah should furnish, he should be paid 15 rupees per month for each private, and so in proportion for officers : yet the demand aforesaid was made without any offer whatsoever of providing the said payment according to treaty.

X.

That the said Hastings did soon after, but upon what grounds does not appear by any Minute of Council, or from any correspondence contained in his narrative, reduce the demand to fifteen thousand, and afterwards to one thousand ; by which he shewed himself to be sensible of the extravagance of his first requisition.

XI.

That in consequence of these requisitions, as he asserts in his narrative aforesaid, the Rajah " did offer " 250 horse, but sent none." But the said Hastings doth not accompany his said narrative with any voucher or document whatever ; and therefore the account given by the Rajah, and delivered to the said Warren Hastings himself, inserted by the said Warren Hastings

Hastings himself, in his narrative, and in no part thereof attempted to be impeached, is more worthy of credit; that is to say,

“ With respect to the horse, you desired me in your
“ letter to inform you of what number I could afford
“ to station with you. I sent you a particular account
“ of all that were in my service, amounting to one
“ thousand three hundred horse, of which several were
“ stationed at distant places; but I received no answer to
“ this. Mr. Markham delivered me an order to prepare
“ a thousand horse. In compliance with your
“ wishes, I collected five hundred horse, and a substitute
“ for the remainder, five hundred Burkundassies
“ [Match-lock-men], of which I sent you information;
“ I told Mr. Markham that they were ready to go
“ to whatever place they should be sent. No answer,
“ however, came from you on this head, and I remained
“ astonished at the cause of it. Repeatedly I asked
“ Mr. Markham about an answer to my letter
“ about the horse; but he told me that he did not
“ know the reason of no answer having been sent,
“ I remained astonished.”

XII.

That the said Hastings is guilty of an high offence, in not giving an answer to letters of such importance, and in concealing the said letters from the Court of Directors, as well as much of his correspondence with the residents; and more particularly in not directing to what place the cavalry and match-lock-men aforesaid should be sent, when the Rajah had declared they were ready to go to whatever service should be destined for them, and afterwards in maliciously accusing the Rajah for not having sent the same.

XIII.

That, on the 3d of February 1781, a new demand for the support of the three fictitious battalions of sepoys aforesaid was made by the said Warren Hastings: but, whilst the Rajah was paying by instalments the said arbitrary demand, the said Rajah was alarmed with

with some intelligence of secret projects on foot for his ruin; and being well apprized of the malicious and revengeful temper of the said Hastings, in order to pacify him, if possible, offered to redeem himself by a large ransom, to the amount of two hundred thousand pounds sterling, to be paid for the use of the Company. And it appears that the said alarm was far from groundless; for Major Palmer, one of the secret and confidential agents of the said Hastings, hath sworn, on the fourth of December 1781, at the desire of the said Warren Hastings, before Sir Elijah Impey, to the following effect; that is to say, "that the said Warren Hastings had told him, the said Palmer, that he, the said Hastings, had rejected the offer of two hundred thousand pounds made by the Rajah of Benares for the public service; and that he was resolved to *convert the faults committed by the Rajah into a public benefit*, and would exact the sum of £. 500,000 as a punishment for his breach of engagements with the government of Bengal, and acts of misconduct in his Zemindary; and, if the Rajah should absolutely refuse the demand, that he would deprive him of his Zemindary, or transfer the sovereignty thereof to the Nabob of Oude."

XIV.

And Mr. Anderson, in his declaration from Scindia's camp, of the 4th of January 1782, did also, at the desire of Mr. Hastings, depose (though not on oath) concerning a conversation between him and the said Hastings (but mentioning neither time nor place where the same was held;) in which conversation, after reciting the allegations of the said Hastings relative to several particulars of the delay and backwardness of the Rajah in paying the aforesaid extra demand, and his resolution to exact from the Rajah "a considerable sum of money to the relief of the Company's exigences," he proceeds in the following words; "That if he (the Rajah) consented, you (the said Warren Hastings) were desirous of *establishing his possessions on the most*
" *perma-*

“ *permanent and eligible footing* ; but, if he refused, you
 “ had it in your power to *raise a large sum* for the Com-
 “ pany, by accepting an offer which had been made
 “ for his districts by the Vizier.” And the said An-
 derson, in the declaration aforesaid, made at the request
 of the said Hastings, and addressed to him, expressed
 himself as follows : “ That you told me you had com-
 “ municated our designs to Mr. Wheler (his only re-
 “ maining colleague ;) and I believe, but I do not
 “ positively recollect, you said he concurred in them.”
 But no trace of any such communication or concu-
 rrence did, at the time referred to, or at any time ever
 after, appear on the consultations, as it ought to have
 done ; and the said Hastings is criminal, for having
 omitted to enter and record the proceeding. That the
 said Wheler did also declare, but a considerable time
 after the date of the conversations aforesaid, that “ on
 “ the eve of the Governor General’s departure, the said
 “ Hastings had told him, that the Rajah’s offences
 “ (not stating what offences, he having paid up all the
 “ demands, ordinary and extraordinary) *were declared*
 “ to require early punishment ; and as his *wealth was*
 “ *great, and the Company’s exigences pressing*, it was
 “ thought a measure of policy and of justice, to exact
 “ from him a large pecuniary mulct for their relief.
 “ The sum to which the Governor declared his resolu-
 “ tion to extend the fine, was forty or fifty lacks ; his
 “ ability to pay it, was stated as a fact that could not
 “ admit of a doubt ; and the two alternatives, on which
 “ the Governor declared himself to have resolved,
 “ were, to the best of my recollection, either a removal
 “ from his Zemindary entirely ; or, by taking imme-
 “ diate possession of all his forts, to obtain out of
 “ the treasure deposited in them the above sum for the
 “ Company.”

XV.

That, in the declaration of the said Wheler, the
 time of the conversation aforesaid is stated to be on the
 eve of the Governor’s departure, and then said to be
 confi-

confidential; nor is it said or insinuated that he knew or ever heard thereof at a more early period; though it appears by Major Palmer's affidavit, that the design of taking not four or five, but absolutely five hundred thousand pounds from the Rajah, was communicated to him as early as the month of June. And it does not appear, by the declarations of the said Wheler, he did ever casually or officially approve of the measure; which long concealment and late communication, time not being allowed to his colleague to consider the nature and consequences of such a project, or to advise any precaution concerning the same, is a high misdemeanour.

XVI.

That the said Hastings, having formed a resolution to execute one of the three violent and arbitrary resolutions aforesaid; namely, to sell the Company's sovereignty over Benares to the Nabob of Oude; or to dispossess the Rajah of his territories; or to seize upon his forts, and to plunder them of the treasure therein contained, to the amount of four or five hundred thousand pounds; did reject the offer of two hundred thousand pounds, tendered by the said Rajah for his redemption from the injuries which he had discovered that the said Hastings had clandestinely meditated against him, although the sum aforesaid would have been a considerable and seasonable acquisition at that time; the said Hastings being determined, at a critical period, to risk the existence of the British Empire, rather than fail in the gratification of his revenge against the said Rajah.

XVII.

That the first of his three instituted projects, namely, the depriving the Rajah of his territories, was by himself considered as a measure likely to be productive of much odium to the British Government; he having declared, whatever opinions he might entertain of its justice

justice, " That it would have an appearance of severity; and might furnish grounds *unfavourable to the credit of our government, and to his own reputation,* " from the natural influence which every *act of rigour,* " exercised in the persons of men in *elevated situations,* " is apt to impress on those who are too remote from " the scene of action to judge, by any evidence of " the facts themselves, of their motives, or propriety." And the second attempt, the sum of money which he aimed at by attacking the fortresses of the Rajah, and plundering them of the treasure supposed to be there secured, besides the obvious uncertainty of acquiring what was thus sought, would be liable to the same imputations with the former. And with regard to the third project, namely, the sale of the Company's sovereignty to the Nabob of Oude, and his having actually received proposals for the same, it was an high offence to the Company, as presuming, without their authority or consent, to put up to sale their sovereign rights; and particularly to put them up to sale to that very person, against whom the independence of the said province had been declared by the Governor General and Council to be necessary, as a barrier for the security of the other provinces, in case of a future rupture with him. It was an heinous injury to the said Rajah, to attempt to change his relation without his consent, especially on account of the person to whom he was to be made over for money, by reason of the known enmity subsisting between his family and that of the Nabob, who was to be the purchaser; and it was a grievous outrage on the innocent inhabitants of the Zemindary of Benares, to propose putting them under a person long before described by himself, to the Court of Directors, " to want the " qualities of the head and heart requisite for his " station;" and in a letter from the British resident at Oude, transmitted to the said Court, represents him " to have wholly lost, by his *oppressions,* the confidence " and affections of his own subjects;" and whose distresses, and the known disorders in his government, he, the said Hastings, did attribute solely to his own

bad conduct and evil character : admitting also in a letter written to Edward Wheler, Esq. and transmitted to the Court of Directors, “ that many circumstances
“ did favour suspicion of his (the said Nabob’s) *fidelity to the English interest*, the Nabob being surrounded by men *base in their characters, and improvident in their understandings*, his favourites and
“ his companions of his looser hours. These had every cause to dread the effect of my influence on theirs ; and both these, and the relations of the family, whose views of consequence and power were
“ intercepted by our participation in the administration of his affairs, entertained a *mortal hatred to our nation, and openly avowed it.*” And the said Hastings was well aware, that in case the Nabob, by him described in the manner aforesaid, on making such purchase, should continue to observe the terms of his father’s original covenants and engagements with the Rajah, and should pay the Company the only tribute which he could lawfully exact from the said Rajah ; it was impossible that he could, for the mere naked and unprofitable rights of a sovereignty paramount, afford to offer so great a sum as the Rajah did offer to the said Hastings, for his redemption from oppression. Such an acquisition to the Nabob (while he kept his faith) could not possibly be of any advantage whatever to him ; and that therefore, if a great sum was to be paid by the Nabob of Oude, it must be for the purpose of oppression, and violation of public faith, to be perpetrated in the person of the said Nabob, to an extent and in a manner which the said Hastings was then apprehensive he could not justify to the Court of Directors, as his own personal act.

END of PART II.

PART

P A R T III.

Expulsion of the Rajah of Benares.

I.

THAT the said Warren Hastings, being resolved on the ruin of the Rajah aforesaid, as a preliminary step thereto, did, against the express orders of the Court of Directors, remove Francis Fowke, Esquire, the Company's resident at the city of Benares, without any complaint, or pretence of complaint whatsoever, but merely on his own declaration, that he must have, as a resident at Benares, a person of his own special and personal nomination and confidence, and not a man of the Company's nomination; and in the place of the said Francis Fowke, thus illegally divested of his office, did appoint thereto another servant of the Company of his own choice.

II.

That soon after he had removed the Company's resident, he prepared for a journey to the upper provinces, and particularly to Benares, in order to execute the wicked and perfidious designs by him before meditated and contrived; and although he did communicate his purpose privately to such persons as he thought fit to entrust therewith, he did not enter any thing on the consultations to that purpose, or record the principles, real or pretended, on which he had resolved to act; nor did he state any guilt in the Rajah which he intended to punish, or charge him, the said Rajah, with entertaining any hostile intentions, the effects of which were to be prevented by any strong measure; but on the contrary, he did industriously conceal his real designs from the Court of Directors, and did fallaciously enter on the consultations a minute, declaratory of purposes wholly different there-

from, and which supposed nothing more than an amicable adjustment, founded on the treaties between the Company and the Rajah, investing himself by his said minute with "full power and authority to form *such* "arrangements *with* the Rajah of Benares, for the "better government and management of his Zemindary, and to perform such acts for the improvement "of the interest which the Company possesses in it, "as he shall think *fit and consonant to the mutual engagements subsisting between the Company and the Rajah*;" and for this and other purposes he did invest himself with the whole power of the Council, giving to himself an authority, as if his acts had been the acts of the Council itself; which, though a power of a dangerous, unwarrantable, and illegal extent, yet does plainly imply the following limits; namely, that the acts done should be *arranged with* the Rajah, that is, with *his consent*; and, secondly, That they should be consonant to the actual engagements between the parties; and nothing appears in the minute conferring the said power, which did express or imply any authority for depriving the Rajah of his government, or selling the sovereignty thereof to his hereditary enemy, or for the plunder of his fort treasures.

III.

That the said Warren Hastings having formed the plans aforesaid, for the ruin of the Rajah, did set out on a journey to the city of Benares with a great train, but with a very small force, not much exceeding six companies of regular black soldiers, to perpetrate some of the unjust and violent acts by him meditated and resolved on: And the said Hastings was met, according to the usage of distinguished persons in that country, by the Rajah of Benares, with a very great attendance, both in boats and on shore, which attendance he did apparently intend as a mark of honour and observance to the place and person of the said Hastings, but which the said Hastings did afterwards groundlessly and maliciously represent as an indication of

of a design upon his life; and the said Rajah came into the pinnace in which the said Hastings was carried, and in a lowly and suppliant manner, alone, and without any guard or attendance whatsoever, entreated his favour; and being received with great sternness and arrogance, he did put his turban in the lap of the said Hastings, thereby signifying, that he abandoned his life and fortune to his disposal, and then departed; the said Hastings not apprehending, nor having any reason to apprehend, any violence whatsoever to his person.

IV.

That the said Hastings, in the utmost security, and freedom from apprehension, did pursue his journey, and did arrive at the city of Benares on the 14th of August 1781, some hours before the Rajah, who, soon after his arrival, intended to pay him a visit of honour and respect at his quarters, but was, by the said Hastings, rudely and insolently forbid, until he should receive his permission. And the said Hastings, although he had previously determined on the ruin of the said Rajah, in order to afford some colour of regularity and justice to his proceedings, did, on the day after his arrival, that is, on the 15th day of August 1781, send to the Rajah a charge in writing, which, though informal and irregular, may be reduced to four articles, two general, and two more particular. The first of the general being, "That he (the Rajah) had, by the means of his secret agents, endeavoured to excite disorders in the government on which he depended;" the second, "That he had suffered the *daily* perpetration of robberies and murders, even in the streets of Benares, to the great and public scandal of the English name."

V.

That it appears, that the said Warren Hastings is guilty of an high offence, contrary to the fundamental principles

principles of justice, in the said mode of charging misdemeanors, without any specification of person, or place, or time, or act, or any offer of specification or proofs by which the party charged may be enabled to refute the same, in order to unjustly load his reputation, and to prejudice him with regard to the articles more clearly specified.

VI.

That the two specified articles relate to certain *delays*: The first, with regard to the payment of the sums of money unjustly extorted as aforesaid; and the second, the non-compliance with a requisition of cavalry; which non-compliance the said Hastings (even if the said charges had been founded) did falsely, and in contradiction to all law, affirm and maintain (in his accusation against the Rajah, and addressing himself to him) "to amount to a *direct* charge of disaffection and " *infidelity* to the government on which you depend." And further proceeded as follows: "I therefore judged " it proper to state them, (the said charges) thus fully " to you in writing, and to *require* your answer; and " this I expect immediately." That the said Hastings stating his pretended facts to amount to a charge of the nature (as he would have it understood) of high treason; and *therefore*, calling for an *immediate* answer, did wilfully act against the rules of natural justice, which requires that a convenient time should be given to answer, proportioned to the greatness of the offence alledged, and the heavy penalties which attend it, and when he did arrogate to himself a right both to charge and to judge in his own person, he ought to have allowed the Rajah full opportunity for conferring with his Ministers, his Doctors of Law, and his Accountants, on the facts charged, and on the criminality inferred in the said accusation of disloyalty and disaffection, or offences of that quality.

VII. That

VII.

That the said Rajah did, under the pressure of the disadvantages aforesaid, deliver in, upon the very evening of the day of the charge, a full, complete, and specific answer to the two articles therein specified; and did alledge and offer proof, that the whole of the extraordinary demands of the said Hastings had been actually long before paid and discharged; and did state a proper defence with regard to the cavalry, even supposing him bound (when he was not bound) to furnish any. And the said Rajah did make a direct denial of the truth of the two *general* articles, and did explain himself on the same in as satisfactory a manner, and as fully as their nature could permit; offering to enter into immediate trial of the points in issue between him and the said Hastings, in the remarkable words following: "My enemies, with a view to my ruin, have made false representations to you. Now that, *happily for me*, you have yourself arrived at this place, you will be able to ascertain all the circumstances; first, relative to the horse; secondly, to my people going to Calcutta; and, thirdly, the dates of the receipts of the particular sums above-mentioned. You will then know whether I have amused you with a false representation, or made a just report to you." And in the said answer the said Rajah complained, but in the most modest terms, of an injury to him of the most dangerous and criminal nature in transactions of such moment, namely, his not receiving any answer to his letters and petitions; and concluded in the following words: "I have never swerved in the smallest degree from my duty to you. It remains with you to decide on all these matters. I am in every case your slave. What is just I have represented to you. May your prosperity increase!"

VIII.

That the said Warren Hastings was bound, by the essential principles of natural justice, to attend to the claim made by the Rajah to a fair and impartial trial and enquiry

enquiry into the matter of accusation brought against him by the said Hastings, at a time and place which furnished all proper materials, and the presence of all necessary witnesses; but the said Hastings, instead of instituting the said enquiry, and granting trial, did receive an humble request for justice from a great prince as a fresh offence, and as a personal insult to himself; and did conceive a violent passion of anger, and a strong resentment thereat, declaring, that he did consider the said answer as not only unsatisfactory in substance, but offensive in style: "This answer you will perceive to
 " be not only unsatisfactory in substance, but offensive
 " in style; and less a vindication of himself; than a
 " recrimination on me. It expresses no concern for
 " the causes of complaint contained in my letter, or
 " desire to atone for them, nor the smallest intention to
 " pursue a different line of conduct: An answer couch-
 " ed nearly *in terms of defiance* to requisitions of so se-
 " rious a nature, I could not but consider as a *strong in-*
 " *dication of that spirit of independency* which the Rajah
 " has for some years past assumed, and of which indeed
 " I had early observed other manifest symptoms, both
 " before and from the instant of my arrival."—Which representation is altogether, and in all parts thereof, groundless and injurious; as the substance of the answer is a justification proper to be pleaded, and the style if in any thing exceptionable, it is in its extreme humility, resulting rather from an unmanly and abject spirit, than from any thing of an offensive liberty; but being received as disrespectful by the said Hastings, it abundantly indicates the tyrannical arrogance of the said Hastings, and the depression into which the natives are sunk under the British Government.

IX.

That the said Warren Hastings, pretending to have been much alarmed at the offensive language of the said Rajah's defence, and at certain appearances of independency which he had observed, not only on former occasions, but since his arrival at Benares (where he
 had

had been but little more than one day) and which appearances he never has specified in any one instance, did assert that he conceived himself indispensably obliged to adopt some decisive plan; and without any further enquiry or consultation (which appears) with any person, did at ten o'clock of the very night on which he received the before-mentioned full and satisfactory, as well as submissive answer, send an order to the British Resident (then being a public Minister representing the British Government at the Court of the said Rajah, and as such bound by the law of nations to respect the Prince at whose Court he was Resident, and not to attempt any thing against his person or state; and who ought not therefore to have been chosen by the said Hastings, and compelled to serve in that business) that he should on the next morning arrest the said Prince in his palace, and keep him in his custody until further orders; which said order being conceived in the most peremptory terms, the Rajah was put under arrest, with a guard of about 30 orderly Sepoys, with their swords drawn: And the particulars thereof were reported to him as follows:

“ Honourable Sir,

“ I this morning, in obedience to your orders of last
 “ night, proceeded with a few of my orderlies, accompanied by Lieutenant Stalker, to Shewalla
 “ Ghaut, the present residence of Rajah Cheit Sing, and
 “ acquainted him it was your pleasure he, should consider himself in arrest; that he, should order his people to behave in a quiet and orderly manner, for
 “ that any attempt *to rescue him would be attended with his own destruction.* The Rajah submitted quietly to the arrest, and assured me, that whatever were your orders, he was ready implicitly to obey: He hoped that
 “ you would allow him a *subsistence*; but as for *his Zemindary, his forts, and his treasure, he was ready to lay them at your feet, and his life if required.* He expressed himself much hurt at the ignominy which he affirmed must be the consequence of his confinement;
 H “ and

“ and intreated me to return to you with the foregoing submission, hoping that you would make allowances for his youth and inexperience, and in consideration of his father’s name release him from his confinement, as soon as he should prove the sincerity of his offers, and himself deserving of your compassion and forgiveness.”

X.

That a further order was given, that every servant of the Rajah’s should be disarmed, and a certain number only left to attend him, under a strict watch. In a quarter of an hour after this conversation, two companies of grenadier Sepoys were sent to the Rajah’s palace by the said Hastings; and the Rajah being dismayed by this unexpected and unprovoked treatment, wrote two short letters or petitions to the said Hastings, under the greatest apparent dejection at the outrage and dishonour he had suffered in the eyes of his subjects, all imprisonment of persons of rank being held in that country as a mark of indelible infamy, and he also in all probability considering his imprisonment as a prelude to the taking away his life; and in the first of the said petitions he did express himself in this manner: “ Whatever may be your pleasure, do it with your own hands, I am your slave. What occasion can there be for a guard!” And in the other, “ my honour was bestow’d upon me by your Highness. It depends on you alone to take away, or not to take away the country out of my hands. In case my honour is not left to me, how shall I be equal to the business of the Government? whoever, with his hands in a supplicating posture, is ready with his life and property, what necessity can there be for him to be dealt with in this way?”

XI.

That according to the said Hastings’s narrative of this transaction, he, (the said Hastings) on account of
the

the apparent despondency in which these letters were written, "thought in *necessary* to give him *some* "encouragement;" and therefore wrote him a note of a few lines, carelessly and haughtily expressed, and little calculated to relieve him from his uneasiness, promising to send him a person to explain particulars; and desiring him "to set his mind at rest, and not to "conceive any terror or apprehension." To which an answer of great humility and dejection was received.

XII.

That the report of the Rajah's arrest did cause a great alarm in the city, in the suburbs of which the Rajah's palace is situated, and in the adjacent country. The people were filled with dismay and anger at the outrage and indignity offered to a prince under whose government they enjoyed much ease and happiness. Under these circumstances the Rajah desired leave to perform his ablutions; which was refused, unless he sent for water, and performed that ceremony on the spot. This he did. And soon after some of the people, who now began to surround the palace in considerable numbers, attempting to force their way into the palace a British officer commanding the guard upon the Rajah struck one of them with his sword. The people grew more and more irritated; but a message being sent from the Rajah to appease them, they continued, on this interposition, for a while quiet. Then the Rajah retired to a sort of stone pavilion or bastion, to perform his devotions, the guard of Sepoys attending him in this act of religion. In the mean time a person of the meanest station, called a Chubdar, at the best answering to our common Beadle or Tipstaff, was sent with a message (of what nature does not appear) from Mr. Hastings or the resident, to the prince under arrest; and this base person without regard to the rank of the prisoner, or to his then occupation, addressed him in a rude boisterous manner, "passionately and "insultingly," (as the said Rajah has without contradiction

tion asserted " and reviling him with a loud voice, " gave both him and his people the vilest abuse ;" and the manner and matter being observable and audible to the multitude, divided only by an open stone lattice from the scene within, a firing commenced from without the palace : on which the Rajah again interposed and did what in him lay to suppress the tumult, until an English officer, striking him with his sword, and wounding him on the hand, the people no longer kept any measures, but broke through the inclosure of the palace. The insolent Tipstaff was first cut down, and the multitude falling upon the Sepoys and English officers, the whole, or nearly the whole, were cut to pieces; the soldiers having been ordered to that service without any charges for their pieces. And in this tumult the Rajah, being justly fearful of falling into the hands of the said Hastings, did make his escape over the walls of his palace, by means of a rope, formed of his turbans tied together, in a boat upon the river, and from thence into a place of security; abandoning many of his people to the discretion of the said Hastings, who did cause the said palace to be occupied by a company of soldiers, after the flight of the Rajah.

XIII.

That the Rajah, as soon as he had arrived at a place of refuge, did, on the very day of his flight, send a suppliant letter to the said Hastings, filled with expressions of concern (affirmed by the said Hastings to be slight expressions) for what had happened, and professions (said by the said Hastings to be indefinite and unapplied) of fidelity: But the said Warren Hastings, though bound by his duty to hear the said Rajah, and to prevent extremities if possible, being filled with insolence and malice, did not think it "*becoming*" of him to make any reply to it; and that he *thought* " he ordered the bearer of the letter to be told that it "*required none.*"

XIV. That

XIV.

That this letter of submission having been received, the said Rajah not discouraged or provoked from using every attempt towards peace and reconciliation, did again apply, on the very morning following, to Richard Johnson, Esquire, for his interposition, but to no purpose; and did likewise, with as little effect send a message to Cantu Babu, native steward and confidential agent of the said Hastings, which was afterwards reduced into writing, "to exculpate himself from any concern in what had passed, and to profess his obedience to his *will* (Hastings's) *in whatever* way he should dictate." But the said Hastings, for several false and contradictory reasons by him assigned, did not take any advantage of the said opening, attributing the same to artifice, in order to gain time; but instead of accepting the said submissions, he did resolve upon flight from the city of Benares, and did suddenly fly therefrom in great confusion.

XV.

That the said Hastings did persevere in his resolutions not to listen to any submission, or offer of accommodation whatsoever, though several were afterwards made through almost every person who might be supposed to have influence with him, but did cause the Rajah's troops to be attacked and fallen upon, though they only acted on the defensive (as the Rajah has without contradiction asserted) and thereby, and by his preceding refusal of propositions of the same nature, and by other his perfidious, unjust and tyrannical acts, by him perpetrated and done, and by his total improvidence in not taking one rational security whatsoever against the inevitable consequences of those acts, did make himself guilty of all the mutual slaughter and devastation which ensued, as well as, in his opinion, of the imminent danger of the total subversion of the British power in India, by the risque of his own person, which he asserts that it did run; as also, "that
" it

“ it ought not to be thought that he attributed too much consequence to his personal safety, when he supposed *the fate of the British empire in India connected with it*; and that, mean as its substance may be, its accidental qualities were equivalent to those which, like the characters of a Talisman in the Arabian Mythology, formed the *essence* of the state itself, representation, title, and the *estimate* of the public opinion. That had he fallen, such a stroke would be universally considered as decisive of the national fate. Every state round it would have started into arms against it; and *every subject of its own dominion would according to their several abilities, have become its enemy.*” And that he knew, and has declared, that though the said stroke was not struck, great convulsions did actually ensue from his proceedings. That half the province of Oude was in a state of as compleat rebellion as that of Benares;” and that invasions, tumults and insurrections, were occasioned thereby in various other parts.

XVI.

That the said Warren Hastings, after he had collected his forces from all quarters, did with little difficulty or bloodshed subsequent to that time, on the part of his troops, and in a few days, entirely reduce the said province of Benares: and did, after the said short, and little-resisted hostility, in cold blood, issue an order for burning a certain town, in which he accused the people at large of having killed, “ upon what provocation he knows not,” certain wounded Sepoys who were prisoners; which orders, being *generally* given, when it was his duty to have made some enquiry concerning the particular offenders, but which he did never make or cause to made, was cruel, inhuman, and tended to the destruction of the revenues of the company; and that this, and other acts of devastation, did cause the loss of two months of the collections.

XVII. That

XVII.

That the said Warren Hastings did not only refuse the submissions of the said Rajah, which were frequently repeated through various persons after he had left Benares, and even after the defeat of certain of the company's forces, but did prescribe and except him from the pardons which he issued after he had satisfied his vengeance on the province of Benares.

XVIII.

That the said Warren Hastings did send to a certain castle called Bidgigur, the residence of a person of high rank, called Pauna, the mother of the Rajah of Benares, with whom his wife, a woman described by the said Hastings "to be of an amiable character;" and all the other women of the Rajah's family, and the survivors of the family of his father Bulwant Sing, a body of troops to dispossess them of her said residence, and to seize upon her money and effects, although she did not stand, even by himself, accused of any offence whatsoever; pretending, but not proving, and not attempting to prove, *then* nor since, that the Treasures therein contained were the property of the Rajah, and not her own; and did, in order to stimulate the British soldiery to rapine and outrage, issue to them several barbarous orders, contrary to the practice of civilized nations, relative to their property, moveable and immoveable, attended with unworthy and unbecoming menaces, highly offensive to the manners of the east, and the particular respect there paid to the female sex; which letters and orders, as well as the letters which he had received from the officers concerned, the said Hastings did unlawfully suppress, until forced, by the disputes between him and the said officers, to discover the same; and the said orders are as follow:

" I am this instant favoured with yours of yesterday.
" Mine of the same date (22d October 1781) has before this time acquainted you with my resolutions
" and sentiments respecting the Rannee (the mother
" of

“ of the Rajah Cheit Sing) I think every demand she
 “ has made to you, except that of safety and respect
 “ for her person, is unreasonable. If the reports
 “ brought to me are true, *your rejecting her offers, or any*
 “ *negociations with her*, would soon obtain your possession of the fort upon your own terms. I apprehend
 “ that she will contrive to defraud the captors of a considerable part of the booty, by being suffered to retire without examination. But this is your consideration, and not
 “ mine. I should be very sorry that your officers and soldiers
 “ left any part of the reward to which they are so well entitled; but I cannot make any objection, as you must
 “ be the best judge of the expediency of the promised indulgence of the Rannee. What you have engaged
 “ for, I will certainly ratify; but as to permitting the
 “ Rannee to hold the Purgunnah of Hurluk, or any
 “ other in the Zemindary, without being subject to the
 “ authority of the Zemindar, or any lands whatever,
 “ or indeed making any conditions with her for a provision,
 “ I will never consent to it.” And in another letter to the same person, dated Benares 3d of November 1781, in which he the said Hastings consents that the said woman of distinction should be allowed to evacuate the place, and to receive protection, he did express himself as follows: “ I am willing to grant her now the same conditions to which I at first consented; provided that
 “ she delivers into your possession, within twenty-four
 “ hours from the time of receiving your message, the
 “ fort of Bidzigurr, with the treasure and effects lodged therein by Cheit Sing, or any of his adherents,
 “ with the reserve only, as abovementioned, of such
 “ articles as you shall think necessary to her sex and condition, or as you shall be disposed of yourself to indulge
 “ her with. If she complies, as I expect she will, it
 “ will be your part to secure the fort, and the property it contains, for the benefit of yourself and detachment.
 “ I have only further to request that you will grant an
 “ escort, if Pauna should require it, to conduct her
 “ here, or wherever she may choose to retire to. But
 “ should she refuse to execute the promise she has
 “ made, or delay it beyond the term of 24 hours, it is my
 “ positive

“ *positive* injunction that you immediately put a stop to
 “ any further intercourse or negociation with her, and
 “ on no pretext renew it. If she disappoints *or trifles*
 “ with me, after I have subjected my *Duan* to the dis-
 “ grace of returning ineffectually, and of course myself
 “ to discredit, I shall consider it as a *wanton affront and*
 “ *indignity which I can never forgive*, nor will I grant her
 “ any conditions whatever, but leave her exposed to
 “ *those dangers* which she has chosen to risque, rather
 “ than trust to the clemency and generosity of our go-
 “ vernment. I think *she cannot be ignorant of these con-*
 “ *sequences, and will not venture to incur them*; and it is
 “ for this reason I place a dependence on her offers,
 “ and have consented to send my *Duan* to her.”

XIX.

That the castle aforesaid being surrendered upon
 terms of safety, and on express condition of not at-
 tempting to search their persons, the women of rank
 aforesaid, their female relations, and female dependants,
 to the number of three hundred, besides children, eva-
 cuated the said castle; but the spirit of rapacity being
 excited by the letters and other proceedings of the said
 Hastings, the capitulation was shamefully and outrage-
 ously broken; and in despite of the endeavours of the
 commanding officer, the said women of high condition,
 and their female dependants, friends, and servants, were
 plundered of the effects they carried with them, and
 which were reserved to them in the capitulation of their
 fortress, and in their persons were otherwise rudely and
 inhumanly dealt with, by the licentious followers of
 the camp; for which outrages, represented to the said
 Hastings with great concern by the commanding officer,
 Major Popham, he, the said Hastings, did afterwards
 recommend a late and fruitless redress.

XX.

That the Governor General, Warren Hastings, in
 exciting the hopes of the military, by declaring them

well entitled to the plunder of the fortrefs aforesaid, the residence of the mother and other women of the Rajah of Benares, and by wishing the troops to secure the same for their own benefit, did advise and act in direct contradiction to the orders of the Court of Directors, and to his own opinion of his public duty, as well as to the truth and reality thereof; he having some years before entered in writing the declaration which follows:

“ The very idea of prize money suggests to my remembrance the former disorders which arose in our army from this source, and had almost proved fatal to it. Of this circumstance you must be sufficiently apprized, and of the necessity for discouraging every expectation of this kind amongst the troops—it is to be avoided like poison. The bad effects of a similar measure were but too plainly felt in a former period, and our honourable masters did not fail on that occasion to reprobate with their censure, in the most severe terms, a practice which they regarded as the source of infinite evils; and which, if established, would, in their judgment, necessarily bring corruption and ruin on their army.”

XXI.

That the said Hastings, after he had given the licence aforesaid, and that in consequence thereof the booty found in the castle, to the amount of 23,27,813 current rupees, [about £. 240,000] was distributed among the soldiers employed in its reduction, did retract his declaration of right, and his permission to the soldiers to appropriate to themselves the plunder; and endeavoured by various devices and artifices to explain the same away, and to recover the spoil aforesaid for the use of the company; and wholly failing in his attempts to resume, by a breach of faith with the soldiers, what he had unlawfully disposed of by a breach of duty to his constituents, he attempted to obtain the same as a loan, in which attempt he also failed; and the aforesaid money being the only part of the treasures belonging to the Rajah, or any of his family, that had been found,

found, he was altogether frustrated in the acquisition of every part of that dishonourable object, which alone he pretended to and pursued through a long series of acts of injustice, inhumanity, oppression, violence, and bloodshed, at the hazard of his person and reputation, and, in his own opinion, at the risk of the total subversion of the British empire.

XXII.

That the said Warren Hastings, after the commission of the offences aforesaid, being well aware that he should be called to an account for the same, did, by the evil council and agency of Sir Elijah Impey, Knight, his Majesty's Chief Justice, who was then out of the limits of his jurisdiction, cause to be taken at Benares, before or by the said Sir Elijah Impey, and through the intervention, not of the Company's Interpreter, but of a certain private Interpreter of his, the said Hastings's, own appointment, and a dependant on him, called Major Davy, several declarations and depositions by natives of Hindostan, and did also cause to be taken before the said Sir Elijah Impey, several attestations in English, made by British subjects, and which were afterwards transmitted to Calcutta, and laid before the Council General, some of which depositions were upon oath, some upon honour, and others neither upon *oath* nor *honour*, but all or most of which were of an irregular and irrelevant nature, and not fit or decent to be taken by a British magistrate, or to be transmitted to a British government.

XXIII.

That one of the said attestations (but not on oath) was made by a principal Minister of the Nabob of Oude, to whom the said Hastings had some time before proposed to sell the sovereignty of that very territory of Benares; and that one other attestation (not upon oath) was made by a native woman of distinction, whose son he, the said Hastings, did actually promote to the

government of Benares, vacated by the unjust expulsion of the Rajah aforesaid, and who in her deposition did declare, that she considered the expelled Rajah as her enemy; and that he never did confer with her, or suffer her to be acquainted with any of his designs.

XXIV.

That besides the depositions of persons interested in the ruin of the Rajah, others were made by persons who then received pensions from him the said Hastings; and several of the affidavits were made by persons of mean condition, and so wholly illiterate as not to be able to write their names.

XXV.

That he, the said Hastings, did also cause to be examined, by various proofs and essays, the result of which was delivered in upon honour, the quality of certain military stores, taken by the British troops from the said Rajah of Benares; and upon the report that the same were of a good quality, and executed by persons conversant in the making of good military stores, although the cannon was stated by the same authority to be bad, he, the said Warren Hastings, from the report aforesaid, did maliciously, and contrary to the principles of natural and legal reason, infer that the insurrection which had been raised by his own violence and oppression, and rendered for a time successful by his own improvidence, was the consequence of a premeditated design to overturn the British empire in India, and to exterminate therefrom the British nation; which design, if it had been true, the said Hastings might have known, or rationally conjectured, and ought to have provided against. And if the said Hastings had received any credible information of such design, it was his duty to lay the same before the Council Board, and to state the same to the Rajah when he was in a condition to have given an answer thereto, or to observe thereon; and not, after he had proscribed and driven him

him from his dominions, to have enquired into offences to justify the previous infliction of punishment.

XXVI.

That it does not appear that in taking the said depositions there was any person present on the part of the Rajah to object to the competence, or credibility, or relevancy of any of the said affidavits, or other attestations, or to account, otherwise than as the said deponents did account, for any of the facts therein stated; nor were any copies thereof sent to the said Rajah, although the Company had a Minister at the place of his residence, namely, in the camp of the Mahratta Chief Scindia, so as to enable him to transmit to the Company any matters which might induce or enable them to do justice to the injured Prince aforesaid. And it does not appear that the said Hastings has ever produced any witness, letter, or other document, tending to prove that the said Rajah ever did carry on any hostile negotiation whatever with any of those powers with whom he was charged with a conspiracy against the Company, previous to the period of the said Hastings's having arrested him in his palace, although he the said Hastings had various agents at the Courts of all those Princes; and that a late principal agent and near relation of a Minister of one of them, the Rajah of Berar, called Benaram Pundit, was, at the time of the tumult at Benares, actually with the said Hastings, and the said Benaram Pundit was by him highly applauded for his zeal and fidelity, and was therefore by him rewarded with a large pension on those very revenues which he had taken from the Rajah Cheyt Sing; and if such a conspiracy had previously existed, the Mahratta Minister aforesaid must have known, and would have attested it.

XXVII.

That it appears that the said Warren Hastings, at the time that he formed his design of seizing upon the
treasures

treasures of the Rajah of Benares, and of deposing him, did not believe him guilty of that premeditated project for driving the English out of India, with which he afterwards thought fit to charge him, or that he was really guilty of any other great offence; because he has caused it to be deposed, that if the said Rajah should pay the sum of money by him exacted, " he " would settle his Zemindary upon him on the most " eligible footing:" Whereas, if he had conceived him to have entertained traiterous designs against the Company, from whom he held his tributary estate, or had been otherwise guilty of such enormous offences as to make it necessary to take extraordinary methods for coercing him, it would not have been proper for him to settle upon such a traitor and criminal the Zemindary of Benares, or any other territory, upon the most eligible, or upon any other footing whatever; whereby the said Hastings has by his own stating demonstrated, that the money intended to have been exacted was not as a punishment for crimes, but that the crimes were pretended, for the purpose of exacting money.

XXVIII.

That the said Warren Hastings, in order to justify the acts of violence aforesaid to the Court of Directors, did assert certain false facts, known by him to be such, and did draw from them certain false and dangerous inferences, utterly subversive of the rights of the Princes and subjects dependent on the British nation in India, contrary to the principles of all just government, and highly dishonourable to that of Great Britain; namely, that the " Rajah of Benares was not a " vassal or tributary Prince; and that the deeds which " passed between him and the Board upon the transfer " of the Zemindary in 1775, were not to be understood to bear the quality and force of a treaty upon " optional conditions between equal states; that the " payments to be made by him were not a tribute, but " a rent; and that the instruments by which his territories were conveyed to him did not differ from " common

“ common grants to Zemindars, who were merely subjects; but that being nothing more than a common Zemindar and mere subject, and the Company holding the acknowledged rights of his former sovereign, held an absolute authority over him; that in the known relations of Zemindar to the sovereign authority or power delegated by it, he owed a personal allegiance, and *an implicit and unreserved obedience to that authority, at the forfeiture of his Zemindary, and even of his life and property.*” Whereas the said Hastings did well know, that whether the payments from the Rajah were called *rent* or *tribute*, having been frequently by himself called the one and the other, and that of whatever nature the instruments by which he held might have been, he did not consider him as a common Zemindar or Landholder, but as far independent as a tributary Prince could be; for he did assign as a reason for receiving his rent rather within the Company’s province than in his own capital, that it would not “ frustrate the intention of rendering the Rajah *independent*; that if a Resident was appointed to receive the money as it became due at Benares, such a Resident would unavoidably acquire an influence over the Rajah and over his country, which would in effect render him the master of both; that this consequence might not perhaps be brought completely to pass without a struggle, and many appeals to the Council, which, in a government constituted like this, cannot fail to terminate against the Rajah, and by the construction to which his opposition to the agent would be liable, might eventually draw on him severe restrictions, and end *in reducing him to the mean and depraved state of a Zemindar.*”

XXIX.

And the said Hastings, in the said minute of consultation, having enumerated the frauds, embezzlements, and oppressions which would ensue from the Rajah’s being in the dependent state aforesaid; and
having

having obviated all apprehensions, from giving to him the implied symbols of dominion, did assert, " that
 " without such appearance, he would expect from every
 " change of government additional demands to be
 " made upon him; and would of course descend to all
 " the arts of intrigue and concealment practised by
 " other dependent Rajahs, which would keep him
 " indigent and weak, and eventually prove hurtful to
 " the Company. But that by proper encouragement
 " and protection; he might prove a profitable depen-
 " dant, an useful barrier, and even a powerful ally to
 " the Company; but that he would be neither, if the
 " conditions of his connection with the Company were
 " left open to future variations."

XXX.

That if the fact had been true, that the Rajah of Benares was merely an eminent Landholder, or any other subject, the wicked and dangerous doctrine aforesaid, namely, that he owed a personal allegiance, and
 " an implicit and unreserved obedience to the sovereign
 " authority, at the forfeiture of his Zemindary, and
 " even of his life and property, *at the discretion* of those
 " who held, or *fully represented*, the sovereign authority," doth leave security neither for life nor property to any persons residing under the Company's protection; and no such powers, nor any powers of that nature, have been delegated to the said Warren Hastings, by any provisions of the Act of Parliament appointing a Governor General and Council at Fort William in Bengal.

XXXI.

That the said Warren Hastings did also advance another dangerous and pernicious principle, in justification of his violent, arbitrary, and iniquitous actings aforesaid; namely, " that if he had acted with an un-
 " warrantable rigour, and even injustice towards Cheyt
 " Sing, yet, first, if he did *believe* that extraordinary
 " means

“ means were necessary, and those exerted with a *strong*
“ *hand*, to preserve the Company’s interests from sink-
“ ing under the accumulated weight that oppressed
“ them; or, secondly, if he saw a *political necessity* for
“ curbing the *overgrown* power of a great member of
“ their dominion, and to make it contribute to the
“ relief of their pressing exigencies; that his error
“ would be excusable, as prompted by an excess of
“ zeal for their (the Company’s) interest, operating
“ with too strong a bias on his judgment;—but that
“ much stronger is the presumption that such acts
“ are founded on just principles, than that they are
“ the result of a misguided judgment.” That the said
doctrines are, in both the members thereof, subversive
of all the principles of just government, by empower-
ing a Governor with delegated authority in the first
case, on his own private *belief* concerning the necessities
of the state, not to levy an impartial and equal rate of
taxation suitable to the circumstances of the several
members of the community, but to select any indivi-
dual from the same as an object of arbitrary and unmea-
sured imposition; and, in the second case, enabling the
same Governor, on the same arbitrary principles, to
determine whose property should be considered as *over-*
grown, and to reduce the same at his pleasure.

END OF PART III.

K

PART

P A R T IV.

Second Revolution in Benares.

I.

THAT the said Warren Hastings, after he had, in the manner aforesaid, unjustly and violently expelled the Rajah Cheyt Sing, the Lord or Zemindar of Benares, from his said Lordship or Zemindary, did, of his own mere usurped authority, and without any communication with the other members of the Council of Calcutta, appoint another person, of the name of Mehip Narrain, a descendant by the mother from the late Rajah Bulwant Sing, to the government of Benares; and, on account or pretence of his youth and inexperience (the said Mehip Narrain not being above twenty years old) did appoint his father Durbege Sing to act as his representative or administrator of his affairs; but did give a controlling authority to the British Resident over both, notwithstanding his declarations before-mentioned of the mischiefs likely to happen to the said country from the establishment of a Resident, and his opinion since declared, in a letter to the Court of Directors, dated from this very place (Benares) the 1st of October 1784, to the same or stronger effect, in case "agents are sent into the country, and armed with authority for the purposes of vengeance and corruption, *for to no other will they be applied.*"

II.

That the said Warren Hastings did, by the same usurped authority, entirely set aside all the agreements made between the late Rajah and the Company (which were real agreements with the state of Benares, in the person of the Lord or Prince thereof, and his heirs;) and without any form of trial, inquisition, or other legal

gal process, for forfeiture of the privileges of the people to be governed by Magistrates of their own, and according to their natural laws, customs, and usages, did, contrary to the said agreement, separate the mint and the criminal justice from the said government, and did vest the mint in the British Resident, and the criminal justice in a Mahomedan native of his own appointment: and did enhance the tribute to be paid from the province from 250,000l. annually, limited by treaty, to three hundred and thirty thousand pounds for the first year, and to four hundred thousand for every year after; and did compel the administrator aforesaid (father to the Rajah) to agree to the same; and did, by the same usurped authority, illegally impose, and cause to be levied, sundry injudicious and oppressive duties on goods and merchandize, which did greatly impair the trade of the province, and threaten the utter ruin thereof; and did charge several pensions on the said revenues, of his own mere authority; and did send and keep up various bodies of the Company's troops in the said country; and did perform sundry other acts, with regard to the said territory, in total subversion of the rights of the sovereign and the people, and in violation of the treaties and agreements aforesaid.

III.

That the said Warren Hastings being absent, on account of ill health, from the Presidency of Calcutta, at a place called Nia Serai, about forty miles distant therefrom, did carry on a secret correspondence with the Resident at Benares, and, under colour that the instalments for the new rent or tribute were in arrear, did, of his own authority, make, in about one year, a second revolution in the government of the territory aforesaid; and did order and direct that Durbege Sing aforesaid, father of the Rajah, and administrator of his authority, should be deprived of his office and of his lands, and thrown into prison; and *did threaten him with death*, although he, the said Warren Hastings, had, at the

time of the making his new arrangement, declared himself sensible that the rent aforesaid might require abatement; although he was well apprized that the administrator had been for two months of his administration in a weak and languid state of body, and wholly incapable of attending to the business of the collections: though a considerable drought had prevailed in the said province, and did consequently affect the regularity and produce of the collections; and though he had other sufficient reason to believe that the said administrator had not himself received from the collectors of government, and the cultivators of the soil, the rent in arrear; yet he, the said Warren Hastings, without any known process, or recording any answer, defence, plea, exculpation, or apology from the party, or recording any other grounds of rigour against him, except the following paragraph of a letter from the Resident, not only gave the order as aforesaid, but did afterwards, without laying any other or better ground before the Council General, persuade them to, and did procure from them, a confirmation of the aforesaid cruel and illegal proceedings, the correspondence concerning which had not been before communicated: He pleading his illness for not communicating the same, though that illness did not prevent him from carrying on correspondence concerning the deposition of the said administrator, and other important affairs in various places.

IV.

That in the letter to the Council, requiring the confirmation of his acts aforesaid, the said Warren Hastings did not only propose the confinement of the said administrator at Benares, although by his imprisonment he must have been in a great measure disabled from recovering the balances due to him, and for the non-payment of which he was thus imprisoned, but did propose as an alternative his imprisonment at a remote fortress, out of the said territory, and in the Company's provinces, called Chunar; desiring them to direct the
Resident

Resident at Benares "to exact from Baboo Durbegi
 " Sing every rupee of the collections which it shall ap-
 " pear that he has made, and not brought to account ;
 " and either to confine him at Benares, or to send him
 " a prisoner to Chunar, and to keep him in confinement
 " until he shall have discharged the whole of the a-
 " mount due from him." And the said Warren Haf-
 stings did assign motives of passion and personal re-
 sentment for the said unjust and rigorous proceedings,
 as follows : " I feel myself, and may be allowed on
 " such an occasion to acknowledge it, *personally hurt*
 " at the ingratitude of this man, and at the discredit
 " which his ill conduct has thrown on *my* appoint-
 " ment of him. He has deceived me ; he has of-
 " fended against the government which I then repre-
 " sented." And, as a further reason for depriving
 him of his Jaghire (or salary out of land) he did infi-
 nueate in the said letter, but without giving or offering
 any proof, " that the said Rajah had been guilty of
 " *little and mean peculations*, although the appointments
 " assigned to him had been sufficient to free him from
 " the temptations thereto."

V.

That it appears, as it might naturally have been ex-
 pected, that the wife of the said administrator, the
 daughter of Bulwant Sing the late Rajah of Benares,
 and her son the reigning Rajah, did oppose, to the best
 of their power, but by what remonstrances, or upon
 what plea, the said Warren Hastings did never inform
 the Court of Directors, the deposition, imprisonment,
 and confiscation of the estates of the husband of the
 one, and the father of the other ; but that the said
 Hastings, persisting in his malice, did declare to the
 said Council as follows : " The opposition made by the
 " Rajah and the old Rannee, both equally incapable of
 " judging for *themselves*, does certainly originate from
 " some secret influence, which ought to be checked by
 " a decided and peremptory declaration of the authority
 " of

“ of the Board, and a denunciation of their displeasure
“ at *their presumption.*”

VI.

That the said Warren Hastings, not satisfied with the injuries done, and the insults and disgraces offered, to the family aforesaid, did, in a manner unparalleled, except by an act of his own on another occasion, fraudulently and inhumanly endeavour to make the wife and son of the said administrator, contrary to the sentiments and the law of nature, the instruments of his oppressions; directing, “ that if they (the mother and son aforesaid) “ could be *induced* to yield the *appearance of a cheerful acquiescence* in the new arrangements, and to adopt “ it as a *measure formed with their participation*, it would “ be better than that it should be done by a declared “ act of compulsion, but that at all events it ought “ to be done.”

VII.

That, in consequence of the pressing declarations aforesaid of the said Warren Hastings, the Council did on his special recommendation appoint, in opposition to the wishes and desires of the Rajah and his mother, another person to the administration of his affairs, called Jagher Deo Seo.

VIII.

That the Company having given express orders for the sending the Resident by them before appointed to Benares, the said Warren Hastings did strongly oppose himself to the same; and did throw upon the person appointed by the Company (Francis Fowke, Esquire) several strong but unspecified reflections and aspersions, contrary to the duty he owed to the Company, and to the justice he owed to all ~~his~~ servants.

IX. That

IX.

That the said Resident being appointed by the votes of the rest of the Council, in obedience to the reiterated orders of the Company, and in despite of the opposition of the said Hastings, did proceed to Benares; and on the representation of the parties, and the submission of the accounts of the aforesaid Durbitzee Sing to an arbitrator, did find him, the said Durbitzee Sing, in debt to the Company for a sum not considerable enough to justify the severe treatment of the said Durbitzee Sing: His wife and son complaining, at or about the same time, that the balances due to him from the Aumils, or sub-collectors, had been received by the new administrator, and carried to his own credit, in prejudice and wrong to the said Durbitzee Sing; which representation, the only one that has been transmitted on the part of the said sufferers, has not been contradicted.

X.

That it appears that the said Durbitzee Sing did afterwards go to Calcutta, for the redress of his grievances; and that it does not appear that the same were redressed, or even his complaints heard, but he received two peremptory orders from the Supreme Council to leave the said city, and to return to Benares: That on his return to Benares, and being there met by Warren Hastings aforesaid, he, the said Warren Hastings, although he had reason to be well assured that the said Durbitzee Sing, was in possession of small or no substance, did again cruelly and inhumanly, and without any legal authority, order the said Durbitzee Sing to be strictly imprisoned: And the said Durbitzee Sing, in consequence of the vexations, hardships, and oppressions aforesaid, died in a short time after insolvent; but whether in prison or not, does not appear.

END of PART IV.

PART

P A R T V.

Third Revolution in Benares.

I.

THAT the said Warren Hastings having, in the manner before recited, divested Durbege Sing of the administration of the province of Benares, did, of his own arbitrary will and pleasure, and against the remonstrances of the Rajah and his mother (in whose name and in whose right the said Durbege Sing, father of the one and husband of the other, had administered the affairs of the government) appoint a person, called Jagher Deo Sheo, to administer the same.

II.

That the new administrator, warned by the severe example made of his predecessor, is represented by the said Warren Hastings as having made it his "avowed principle" [as it might be expected it should be] "that the sum fixed for the revenue *must* be collected." And he did, upon the principle aforesaid, and by the means suggested by a principle of that sort, accordingly levy from the country, and did regularly discharge to the British resident at Benares, by monthly payments, the sums imposed by the said Warren Hastings, as it is asserted by the resident Fowke; but the said Warren Hastings did assert, that his annual collections did not amount to more than lack 37,37,600, [£. 370,000] or thereabouts, which he says is much short of the revenues of the province, and is by about twenty-four thousand pounds short of his agreement.

III.

That it further appears, that notwithstanding the new administrator aforesaid was appointed two months,
or

or thereabouts, after the beginning of the *Fuseli* year, that is to say, about the middle of November 1782, and the former administrator had collected a certain portion of the revenues of that year, amounting to £. 17,000, and upwards; yet he, the said new administrator, upon the unjust and destructive principle aforesaid, suggested by the cruel and violent proceedings of the said Warren Hastings towards his predecessor, did levy on the province, within the said year, the whole amount of the revenues to be collected, in addition to the sum collected by his predecessor aforesaid.

IV.

That, on account of a great drought which prevailed in the province, a remission of certain duties in grain was proposed by the chief criminal judge at Benares; but the administrator aforesaid, being fearful that the revenue should fall short in his hands, did strenuously oppose himself to the necessary relief to the inhabitants of the said city.

V.

That notwithstanding the cantonment of several bodies of the Company's troops within the province, since the abolition of the native government, it became subject in a particular manner to the depredations of the Rajahs upon the borders; insomuch that in one quarter no fewer than thirty villages had been sacked and burned, and the inhabitants reduced to the most extreme distress.

VI.

That the resident, in his letter to the Board at Calcutta, did represent that the collection of the revenue was become very difficult; and, besides the extreme drought, did assign for a cause of that difficulty the following:

L

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Third Revolution in Benares.

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THAT the said Warren Hastings having, in the manner before recited, divested Durbege Sing of the administration of the province of Benares, did, of his own arbitrary will and pleasure, and against the remonstrances of the Rajah and his mother (in whose name and in whose right the said Durbege Sing, father of the one and husband of the other, had administered the affairs of the government) appoint a person, called Jagher Deo Sheo, to administer the same.

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That the new administrator, warned by the severe example made of his predecessor, is represented by the said Warren Hastings as having made it his "avowed principle" [as it might be expected it should be] "that the sum fixed for the revenue *must* be collected." And he did, upon the principle aforesaid, and by the means suggested by a principle of that sort, accordingly levy from the country, and did regularly discharge to the British resident at Benares, by monthly payments, the sums imposed by the said Warren Hastings, as it is asserted by the resident Fowke; but the said Warren Hastings did assert, that his annual collections did not amount to more than lack 37,37,600, [£. 370,000] or thereabouts, which he says is much short of the revenues of the province, and is by about twenty-four thousand pounds short of his agreement.

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VI.

That the resident, in his letter to the Board at Calcutta, did represent that the collection of the revenue was become very difficult; and, besides the extreme drought, did assign for a cause of that difficulty the following:

L

“ That

“ That there is also one fund which, in former
 “ years, was often applied in this country to remedy
 “ temporary inconveniences in the revenue, and which
 “ *in the present year does not exist.* This was the
 “ private fortunes of merchants and shroffs (bankers)
 “ resident in Benares, from whom aumils (collectors)
 “ of credit could obtain temporary loans, to satisfy
 “ the immediate calls of the Rajah. These sums,
 “ which used to circulate between the aumil and
 “ the merchant, have been turned *into a different*
 “ *channel,* by bills of exchange to defray the ex-
 “ pences of government, both on the west coast of
 “ India, and also at Madras.” To which represen-
 tation it does not appear that any answer was given,
 or that any mode of redress was adopted in conse-
 quence thereof.

VII.

That the said Warren Hastings, having passed
 through the province of Benares (Gauzipore) in his
 progress towards Oude, did, in a letter dated from
 the city of Lucknow the 2d of April 1784, give to
 the Council Board at Calcutta an account (highly dis-
 honourable to the British Government) of the effect of
 the arrangements made by himself in the year 1781
 and 1782, in the words following: “ Having contri-
 “ ved, by making forced stages, while the troops of
 “ my escort marched at the ordinary rate, to make a
 “ stay of five days at Benares, I was thereby furnished
 “ with the means of acquiring some knowledge of the
 “ state of the province, which I am anxious to com-
 “ municate to you. Indeed the enquiry, which was
 “ in a *great degree obtruded upon me,* affected me with
 “ very mortifying reflections on my inability to apply
 “ it to any useful purpose. From the confines of Buxar
 “ to Benares, I was followed and *fatigued by the cla-*
 “ *mours of the discontented inhabitants.* It was what I
 “ expected in a degree, because it is rare that the ex-
 “ ercise of authority should prove satisfactory to all
 “ who are the objects of it. The distresses which were
 “ produced

“ produced by the long continued drought unavoida-
 “ bly tended to heighten the general discontent ; yet I
 “ have reason to fear that the cause existed principally in a
 “ defective, if not a corrupt and oppressive, administra-
 “ tion.” “ Of a multitude of petitions which were
 “ presented to me, and of which I took minutes, every
 “ one, that did not relate to a personal grievance, con-
 “ tained the representation of one and the same spe-
 “ cies of oppression, *which is in its nature of an in-
 “ fluence most fatal to the future cultivation.* The
 “ practice to which I allude is this: it is affirmed that
 “ the aumils and renters exact, from the proprietors
 “ of the actual harvest, a large encrease in kind on their
 “ stipulated rent; that is, from those who hold their
 “ potta [lease] by the tenure of paying *one half* of the
 “ produce of their crops, either *the whole*, without sub-
 “ terfuge, or a large proportion of it by a *false measure-
 “ ment*, or other pretexts; and from those, whose en-
 “ gagements are for a fixt rent *in money*, the half, or a
 “ greater portion, is taken *in kind*. This is in effect
 “ a tax upon the industry of the inhabitants; since
 “ there is scarce a field of grain in the province, I
 “ might say not one, which has not been preserved by
 “ the incessant labour of the cultivator, by digging
 “ wells for their supply, or watering them from the
 “ wells of masonry with which their country abounds,
 “ or from the neighbouring tanks, rivers, and
 “ nullahs. The people who imposed on them-
 “ selves this voluntary and extraordinary labour, and
 “ not unattended with expence, did it on the expecta-
 “ tion of reaping the profits of it; and it is certain
 “ they would not have done it, if they had known
 “ that their rulers, *from whom they were entitled to an,
 “ indemnification*, would take from them what they had,
 “ so hardly earned. If the same administration con-
 “ tinues, and the country shall again labour under a
 “ want of rain, *every field will be abandoned, the revenue
 “ fail, and thousands perish through want of subsistence;*
 “ for who will labour for the *sole* benefit of others, and
 “ to make himself the subject of exaction? These
 “ practices are to be imputed to the Naib himself.” [the

administrator, forced by the said Warren Hastings on the present Rajah of Benares.] “ The avowed principle on which he acts, and which he acknowledged to myself, is, that the *whole* sum fixed for the revenue of the province *must* be collected; and that, for this purpose, the deficiency arising in places where the crops have failed, or which have been left uncultivated, must be supplied from the resources of others, where the soil has been better suited to the season, or the industry of the cultivators hath been more successfully exerted: a principle which, however specious and plausible it may at first appear, *certainly tends to the most pernicious and destructive consequences.* If this declaration of the Naib had been made only to myself, I might have doubted my construction of it; but it was repeated by him to Mr. Anderson, who understood it exactly in the same sense. In the management of the customs, the conduct of the Naib, or of the officer under him, was forced also upon my attention. *The exorbitant rates exacted by an arbitrary valuation of the goods; the practice of exacting duties twice on the same goods, first from the seller, and afterwards from the buyer; and the vexations, disputes and delays, drawn on the merchants by these oppressions, were loudly complained of: and some instances of this kind were said to exist at the very time I was at Benares.* Under such circumstances, we are not to wonder if the merchants of foreign countries are discouraged from resorting to Benares; and if the commerce of that province should annually decay, *other evils, or imputed evils, have accidentally come to my knowledge, which I will not now particularize; as I hope that, with the assistance of the resident, they may be in part corrected.* One evil I must mention, because it has been verified by my own observation, and is of that kind which reflects an unmerited reproach on our general and national character. When I was at Buxar, the resident, at my desire, enjoined the Naib to appoint creditable people to every town, through which *our* route lay, to persuade and encourage
“ courage

“ courage the inhabitants *to remain in their houses,*
 “ promising to give them guards as I approached,
 “ and they required it for their protection: and that
 “ he might perceive how earnest I was for his obser-
 “ vation of this precaution, I repeated it to him in
 “ person, and dismissed him, that he might precede
 “ me for that purpose. But, to my great disappoint-
 “ ment, I found every place through which I passed, *aban-*
 “ *doned; nor had there been a man left in any of them for*
 “ *their protection.* I am sorry to add, *that, from Buxar*
 “ *to the opposite boundary, I have seen nothing but traces of*
 “ *complete devastation in every village; whether caused by*
 “ *the followers of the troops, which have lately passed, for*
 “ *their natural relief, and I know not whether my own may*
 “ *not have had their share, or from the apprehensions of*
 “ *the inhabitants left to themselves, and of themselves*
 “ *deserting their houses.* I wish to acquit my own
 “ countrymen of the blame of these unfavourable ap-
 “ pearances, and in my own heart I do acquit them;
 “ for at one encampment a crowd of people came to
 “ me, complaining that *their new Aumil (collector) on*
 “ *the approach of any military detachment, himself first fled*
 “ *from the place; and the inhabitants, having no one to*
 “ *whom they could apply for redress, or for the representa-*
 “ *tion of their grievances, and being thus remediless, fled*
 “ *also; so that their houses and effects became a prey to any*
 “ *person who chose to plunder them.* The general conclu-
 “ sion appeared to me an inevitable consequence from
 “ such a state of facts; and my own senses bore testi-
 “ mony to it in this specific instance: nor do I know
 “ how it is possible for any officer commanding a mi-
 “ litary party, how attentive soever he may be to the
 “ discipline and forbearance of his people, to prevent
 “ disorders, *when there is neither opposition to hinder, nor*
 “ *evidence to detect them.* These, and many other irre-
 “ gularities, I impute solely to the Naib, and recom-
 “ mend his instant removal.

“ I cannot help remarking, that except the city of
 “ Benares, *the province is in effect without a government.*
 “ *The administration of the province is miscondacted, and the*
 “ *people oppressed, trade discouraged, and the revenue in dan-*

“ ger

*ger of a rapid decline, from the violent appropriation of
" its means."*

VIII.

That the said Warren Hastings did recommend to the Council, for a remedy of the disorders and calamities which had arisen from his own acts, dispositions, and appointments, that the administrator aforesaid should be instantly removed from his office; attributing the aforesaid *"irregularities and many others solely"* to him; although on his own representation, it does appear that he was the sole cause of the irregularities, therein described: neither does it appear that the administrator, so by the said Hastings nominated and removed, was properly charged and called to answer for the said recited irregularities, or for the *many others* not recited, but *attributed solely* to him; nor has any plea or excuse from him been transmitted to the Board, or to the Court of Directors: but he was, at the instance of the said Hastings, deprived of his said office, contrary to the principles of natural justice, in a violent and arbitrary manner; which proceeding, combined with the example made of his predecessor, must necessarily leave to the person, who should succeed to the said office, no distinct principle upon which he might act with safety. But in comparing the consequences of the two delinquencies charged, the failure of the payment of the revenues (from whatever cause it may arise) is more likely to be avoided than any severe course towards the inhabitants; as the former fault was, besides the deprivation of office, attended with two imprisonments, with a menace of death, and an actual death, in disgrace, poverty, and insolvency; whereas the latter, namely the oppression, and thereby the total ruin of the country, charged on the second administrator, was only followed by a loss of office; although he, the said Warren Hastings, did further assert (but with what truth does not appear) that the collection of the last administrator had fallen much short of the revenue of the province.

IX. That

IX.

That the said Warren Hastings himself was sensible that the frequent changes by him made would much disorder the management of the revenues, and seemed desirous of concealing his intentions concerning the last change until the time of its execution. Yet it appears by a letter from the British resident dated the 23d of June 1784, "that a very strong report prevailed at Benares of his [the said Hastings's] intentions of appointing a new Naib for the approaching year; and that the effect, which the prevalence of such an idea amongst the aumils would probably have on the cultivation at this particular time. The heavy Mofsil Kists [harvest instalments] have now been collected by the aumils; the season of tillage is arrived; the ryots [country farmers] must be indulged and even assisted by advances; and the aumil must look for his returns in the abundance of the crop, the consequence of this early attention to the cultivation. The effect is evident which the report of a change in the first officer of the revenue must have on the minds of the aumils, by leaving them at an uncertainty of what they have in future to expect; and, in proportion to the degree of this uncertainty, their efforts and expences in promoting the cultivation will be languid and sparing.

"In compliance with the Naib's request, I have written to all the aumils, encouraging and ordering them to attend to the cultivation of their respective districts. But I conceive I should be able to promote this very desirable intention much more effectually, if you will honour me with the communication of your intentions on this subject. At the same time I cannot help just remarking, that, if a change is intended, the sooner it takes place, the more *the bad effects* I have described will be obviated."

X. That

X.

That the Council, having received the proposition for the removal of the administrator aforesaid, did also in a letter to him (the said Hastings) condemn the frequent changes by him made in the administration of the collections of Benares; but did consent to such alterations as might be made without encroaching on the rights established by his (the said Hastings') agreement in the year 1781, and did desire him to transmit to them his plan for a new administration.

XI.

That the said Hastings did transmit a plan, which, notwithstanding the evils which had happened from the former frequent changes, he did propose *as a temporary expedient* for the administration of the revenues of the said province: in which no provision was made for the reduction or remission of revenue, as exigences might require; or for preventing the extraction of the circulating specie from the said province; or for the supply of the necessary advances for cultivation; nor for the removal or prevention of any of the grievances by him before complained of, other than an inspection by the resident and the chief criminal magistrate of Benares, and other regulations equally void of effect and authority; and which plan Mr. Stables, one of the supreme Council, did altogether reject; but the same was approved of, *as a temporary expedient*, with some exceptions, by two other Members of the Board, Mr. Wheler and Mr. Macpherson, declaring the *said Warren Hastings responsible for the temporary expediency of the same*.

XII.

That the said Warren Hastings, in the plan aforesaid, having strongly objected to the appointment of any European collectors, that is to say, of any European servants of the Company being concerned in the same, declaring that there had been sufficient experience

rience of the ill effects of their being so employed in the province of Bengal; by which the said Hastings did either, in loose and general terms, convey a false imputation upon the conduct of the Company's servants employed in the collection of the revenues of Bengal; or he was guilty of a criminal neglect of duty, in not bringing to punishment the particular persons, whose evil practices had given rise to such a general imputation on British subjects and servants of the Company, as to render them unfit for service in other places.

XIII.

That the said Warren Hastings having, in the course of three years, made three complete revolutions in the state of Benares, by expelling, in the first instance, the lawful and rightful governor of the same, under whose care and superintendence a large and certain revenue, suitable to the abilities of the country, and consistent with its prosperity, was paid with the greatest punctuality; and by afterwards displacing two effective governors or administrators of the province, appointed in succession by himself; and, in consequence of the said appointments, and violent and arbitrary removals, the said province "being left in effect "without a government," except in one city only; and having, after all, settled no more than a temporary arrangement; is guilty of an high crime and misdemeanor, in the destruction of the country aforesaid.

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No. IV.

PRINCESSES OF OUDE.

I.

THAT the reigning Nabob of Oude, commonly called Afoph ul Dowlah (son and successor to Shuja ul Dowlah) by taking into, or continuing in his pay, certain bodies of regular British troops, and by having afterwards admitted the British Resident at his Court into the management of all his affairs, foreign and domestic, and particularly into the administration of his finances, did gradually become, in substance and effect, as well as in general repute and estimation, a dependent on, or vassal of, the East India Company; and was, and is, so much under the controul of the Governor General and Council of Bengal; that, in the opinion of all the native powers, "the English name and character is concerned in every act of his Government."

II.

That Warren Hastings, Esquire, contrary to law, and to his duty, and in disobedience to the orders of the East India Company, arrogating to himself the nomination of the Resident at the Court of Oude, as his particular agent and representative, and rejecting the Resident appointed by the Company, and obtruding upon them a person of his own choice, did, from that time, render himself in a particular manner responsible for the good government of the Provinces, composing the dominions of the Nabob of Oude.

III. That

III.

That the Provinces aforesaid having been, at the time of their first connection with the Company, in an improved and flourishing condition, and yielding a revenue of more than three millions of pounds sterling, did, soon after that period, begin sensibly to decline; and the subsidy of the British troops stationed in that Province, as well as other sums of money due to the Company by treaty, ran considerably in arrear; although the Prince of the country, during the time these arrears accrued was otherwise in distress, and had been obliged to reduce all his establishments.

IV.

That the Prince aforesaid, or Nabob of Oude, did, in humble and submissive terms, supplicate the said Warren Hastings, to be relieved from a body of troops, whose licentious behaviour he complained of, and who were stationed in his country without any obligation by treaty to maintain them; pleading the failure of harvest, and the prevalence of famine in his country;—a compliance with which request, by the said Warren Hastings, was refused in unbecoming, offensive, and insulting language.

V.

That the said Nabob, labouring under the aforesaid and other burthens, and being continually urged for payment, was advised to extort, and did extort from his mother and grandmother, under the pretext of loans (and sometimes without that appearance) various great sums of money, amounting in the whole to 630,000 l. sterling, or thereabouts; alledging in excuse the rigorous demands of the East India Company, for whose use the said extorted money had been demanded, and to which a considerable part of it had been applied.

VI.

That the two female parents of the Nabob aforesaid, were among the women of the greatest rank, family, and distinction in Asia; and were left by the deceased Nabob, the son of the one, and the husband of the other, in charge of certain considerable part of his treasures in money, and other valuable moveables, as well as certain landed estates, called Jaghires, in order to the support of their own dignity, and the honourable maintainance of his women, and a numerous offspring and their dependents; the said family amounting in the whole to two thousand persons, who were by the said Nabob, at his death, recommended in a particular manner to the care and protection of the said Warren Hastings.

VII.

That on the demand of the Nabob of Oude on his parents for the last of the sums, which completed the six hundred and thirty thousand pounds aforesaid, they, the said parents did positively refuse to pay any part of the same to their son, for the use of the Company, until he should agree to certain terms, to be stipulated in a regular treaty; and, among other particulars, to secure them in the remainder of their possessions, and also on no account or pretence to make any further demands or claims on them; and, well knowing from whence all his claims and exactions had arisen, they demanded that the said treaty, or family compact, should be guaranteed by the Governor General and Council of Bengal: And a treaty was accordingly agreed to, executed by the Nabob, and guaranteed by John Bristow, Esquire, the Resident at Oude, under the authority and with the express consent of the said Warren Hastings and the Council General; and, in consequence thereof, the sum last required was paid, and discharges given to the Nabob for all the money which he had borrowed from his own mother and the mother of his father.

VIII. That

VIII.

That the distresses and disorders in the Nabob's government, and his debt to the Company continuing to increase, notwithstanding the violent methods before mentioned taken to augment his resources, the said Warren Hastings, on the 21st of May, and on the 31st July 1781 (he and Mr. Wheeler being the only remaining Members of the Council General, and he having the conclusive and casting voice, and thereby being in effect the whole Council) did, in the name and under the authority of the Board, resolve on a journey to the upper provinces, in order to a personal interview with the Nabob of Oude, towards the settlement of his distressed affairs; and did give to himself a delegation of the powers of the said Council, in direct violation of the Company's orders forbidding such delegation.

IX.

That the said Warren Hastings, having by his appointment met the Nabob of Oude near a place called Chunar, and possessing an entire and absolute command over the said Prince, he did, contrary to justice and equity, and the security of property, as well as to public faith and the sanction of the Company's guarantee, under the colour of a treaty, which treaty was conducted secretly without a written document of any part of the proceeding (except the pretended treaty itself) authorize the said Nabob to seize upon, and confiscate to his own profit, the landed estates, called Jaghires, of his parents, kindred, and principal nobility; only stipulating a pension to the net amount of the rent of the said lands as an equivalent, and that equivalent to such only whose lands had been guaranteed to them by the Company: But he omitted to provide, either in the said pretended treaty or in any subsequent act, the least security for the payment of the said pension, to those for whom such pension was ostensibly reserved; and, for the others, not so much as a shew of indemnity;—to the extreme

treme scandal of the British Government, which valuing itself upon a strict regard to property, did expressly authorize, if it did not command, an attack upon that right, unprecedented in the despotic Governments of India.

X.

That the said Warren Hastings, in order to cover the violent and unjust proceedings aforesaid, did assert a claim of right in the same Nabob to all the possessions of the said mother and grandmother, as belonging to him by the Mahomedan law. This pretended claim was set up by the said Warren Hastings, after the Nabob had, by a regular treaty, ratified and guaranteed by the said Hastings as Governor General, renounced and released all demands on them. And this false pretence of a legal demand, was taken up and acted upon by the said Warren Hastings, without laying the said question on record before the Council General, or giving notice to the persons to be affected thereby, to support their rights before any of the principal magistrates and expounders of the Mahomedan law, or taking publicly the opinions of any person conversant therein.

XI.

That, in order to give farther colour to the acts of ill faith and violence aforesaid, the said Warren Hastings did cause to be taken at Lucknow, and other places, before divers persons, and particularly before Sir Elijah Impey, Knight, his Majesty's chief justice, acting extrajudicially, and not within the limits of his jurisdiction, several passionate, careless, irrelevant, and irregular affidavits, consisting of matter not fit to be deposed on oath; of reports, conjectures, and hearsays; some of the persons swearing to the said hearsays, having declined to declare from whom they heard the accounts at second hand sworn to: The said affidavits in general tending to support the calumnious charge of the said Warren Hastings; namely, that the aged women before mentioned had formed, or engaged in, a plan

plan for the deposition of their son and sovereign, and the *utter extirpation* of the English nation : And neither the said charge against persons, whose dependence was principally, if not wholly, on the good faith of this nation, and highly affecting the honour, property, and even lives of women of the highest condition ; nor the affidavits intended to support the same, extrajudicially taken *ex parte*, and without notice, by the said Sir Elijah Impey, and others, were at any time communicated to the parties charged, or to any agent for them ; nor were they called upon to answer, nor any explanation demanded of them.

XII.

That the article, affecting private property secured by public acts, in the said pretended treaty, contains nothing more than a general permission, given by the said Warren Hastings, for confiscating such Jaghires or landed estates, with the modifications therein contained, “ as *he* (the Nabob) may find necessary ;” but does not directly point at, or express by name, any of the landed possessions of the Nabob’s mother or grand-mother : But soon after the signing of the pretended treaty, (that is, on the 29th November 1781) it did appear, that a principal object thereof, was to enable the Nabob to seize upon the estates of his female parents aforesaid, which had been guaranteed to them by the East India Company. And although in the treaty, or pretended treaty, aforesaid, nothing more is purported than to give a *simple permission* to the Nabob to seize upon and confiscate the estates, leaving the execution or non-execution of the same wholly to his *discretion* ; yet it appears by several letters from Nathaniel Middleton, Esquire, the Resident at the Court of Oude, of the 6th, 7th, and 9th of December 1781, that no such discretion, as expressed in the treaty, was left, or intended to be left with him the said Nabob ; but that, according to the construction of the said Middleton and Hastings, the said article ought practically to have a construction of a directly contrary tendency ; that, instead of considering the article as originating from the

Nabob

Nabob, and containing a power provided in his favour which he did not possess before, the confiscation of the Jaghires aforesaid, was to be considered as a measure originating from the English; and to be intended for their benefit; and as such, that the execution was to be forced upon him; and the execution thereof was accordingly forced upon him.

XIII.

That the Resident, Middleton, on the Nabob's refusal to act in contradiction to his sworn engagement, guaranteed by the East India Company, and in the undutiful and unnatural manner required, did totally supersede his authority in his own dominions, considering himself as empowered so to act by the instructions of the said Hastings, although he had reason to apprehend a general insurrection in consequence thereof, and that he found it necessary to remove his family, "which he
 " did not wish to retain there, in case of a rupture with
 " the Nabob, or the necessity of employing the British forces in the reduction of his [the Nabob's] Aumils
 " and troops;" and he did accordingly, as sovereign, issue his own edicts and warrants, in defiance of the resistance of the Nabob, in the manner by him described in the letters aforesaid, in a letter of 6th of December 1781, that is to say, "*Finding the Nabob wavering in his determination about the resumption of the Jaghiers,*
 " I this day, in presence of and with the Minister's concurrence, ordered the necessary Perwannahs to
 " be written to the several Aumils for that purpose;
 " and it was my firm resolution to have dispatched them this evening, with proper people to see them
 " *punctually and implicitly carried into execution;*
 " but before they were all transcribed, I received a message from the Nabob, who had been informed by the Minister of the resolution I had taken, intreating that I would withhold the Perwannahs until tomorrow morning, when he would attend me, and afford me satisfaction on this point. As the loss of a few hours in the dispatch of the Perwannahs appeared
 " of

“ of little moment, and as it is possible the Nabob,
 “ seeing that the business will at all events be done, may
 “ make it an act of his own, I have consented to indulge
 “ him in his request; but, be the result of our interview
 “ whatever it may, nothing shall prevent the orders being
 “ issued to-morrow, either by him or myself, with the con-
 “ currence of the Ministers. Your pleasure respecting
 “ the Begums I have learnt from Sir Elijah; and the
 “ measure heretofore proposed, will soon follow the
 “ resumption of the Jaghiers. From both, or indeed
 “ from the former alone, I have no doubt of the com-
 “ plete liquidation of the Company’s balance.”—And
 also in another letter of the 7th December 1781,—“ I
 “ had the honour to address you yesterday, informing
 “ you of the steps I had taken in regard to the resump-
 “ tion of the Jaghiers. This morning the Vizier came to me
 “ according to his agreement, but seemingly without any
 “ intention or desire to yield me satisfaction on the subject
 “ under discussion; for, after a great deal of conversation,
 “ consisting, on his part, of trifling evasion and puerile ex-
 “ cuses for withholding his assent to the measure, though at
 “ the same time professing the most implicit submission to your
 “ wishes, I found myself without any other resource, than
 “ the one of employing that exclusive authority with which
 “ I consider your instructions to vest me: I therefore declared
 “ to the Nabob, in presence of the Minister and Mr. John-
 “ son who I desired might bear witness of the conversation,
 “ That I construed his rejection of the measure proposed, as
 “ a breach of his solemn promise to you, and an unwilling-
 “ ness to yield that assistance, which was evidently in his
 “ power, towards liquidating his heavy accumulating debt
 “ to the Company; and that I must in consequence de-
 “ termine, in my own justification, to issue immediately
 “ the Perwannabs, which had only been withheld in
 “ the sanguine hope, that he would be prevailed upon
 “ to make that his own act, which nothing but the most
 “ urgent necessity could force me to make mine.—He
 “ left me without any reply; but afterwards sent for
 “ his Minister, and authorized him to give me hopes,
 “ that my requisition would be complied with; on
 “ which I expressed my satisfaction, but declared, that
 “ I could admit of no further delays; and unless I re-
 “ ceived his Excellency’s formal acquiescence before

“ the evening, I should then most assuredly issue *my*
 “ Perwannahs; which *I have accordingly done*, not hav-
 “ ing had any assurances from his Excellency, that
 “ could justify a further suspension. I shall as soon
 “ as possible, inform you of the effect of the Per-
 “ wannahs, which, in many parts, I am apprehen-
 “ sive it will be found necessary to enforce with military
 “ aid. I am not, however, entirely without hopes
 “ that the Nabob, when *he sees the inefficacy of further*
 “ *opposition*, may alter his conduct, and prevent the
 “ *confusion and disagreeable consequences which would be too*
 “ *likely to result from the prosecution of a measure of such*
 “ *importance, without his concurrence.* His Excellency
 “ talks of going to Fyzabad, for the purpose hereto-
 “ fore mentioned, in three or four days; *I wish he may*
 “ *be serious in his intention*, and you may rest assured, *I*
 “ *shall spare no pains to keep him to it.*”—And further,
 in a letter of the 9th of December 1781.—“ I had the
 “ honour to address you on the 7th instant, informing
 “ you of the conversation which had passed between the
 “ Nabob and me, on the subject of resuming the Jag-
 “ hiers, and the step I had taken in consequence.
 “ His Excellency appeared to be very much hurt and incensed
 “ at the measure: and loudly complains of the treachery of
 “ his Ministers; first, in giving you any hopes that such a
 “ measure would be adopted; and, secondly, in their
 “ promising me their whole support in carrying it through.
 “ But, as I apprehended, rather than suffer it to appear
 “ that the point had been carried in opposition to his will,
 “ he at length yielded a nominal acquiescence, and has
 “ this day issued his own Perwannahs to that effect;
 “ declaring, however, at the same time, both to me and his
 “ Ministers, that it is an act of compulsion. I hope to be
 “ able, in a few days, in consequence of this measure
 “ to transmit you an account of the actual value and
 “ produce of the Jaghiers, opposed to the nominal
 “ amount at which they stand rated on the books of the
 “ Sircar.”

XIV.

That the said Warren Hastings, instead of expressing
 any disapprobation of the proceedings aforesaid, in
 violation

violation of the rights secured by treaty with the mother and grandmother of the reigning Prince of Oude, and not less in violation of the sovereign rights of the Nabob himself, did, by frequent messages, stimulate the said Middleton to a perseverance in, and to a rigorous execution of the same: And in his letter from Benares of the 25th December 1781, did express doubts “of his firmness and activity, and, above all, “of his recollection of his instructions, and their importance; and that, if he could not rely on his own [power] and the means he possessed for performing those services, he *would free him* [the said Middleton] *from the charges*, and would proceed *himself* to Lucknow, and would *himself* undertake them.”

XV.

That very doubtful credit is to be given to any letters written by the said Middleton to the said Warren Hastings, when they answer the purposes which the said Warren Hastings had evidently in view, the said Middleton having written to him in the following manner from Lucknow, 30th December 1781:

“ My dear Sir,

“ I have this day answered your *public* letter in the form you seem to expect. I hope there is nothing in it that may appear to you too pointed. *If you wish the matter to be otherwise understood than I have taken up and stated it, I need not say I shall be ready to conform to whatever you may prescribe, and to take upon myself any share of the blame of the (hitherto) non-performance of the stipulations made on behalf of the Nabob.* Though I do assure you, I myself represented to his Excellency and the Ministers, conceiving it to be your desire, that *the apparent assumption of the reins of his government* (for in that light he undoubtedly considered it at the first view) as specified in the agreement executed by him, was not meant to be *fully and literally enforced*, but that it was necessary you should

*" have something to shew on your side, as the Company were
 " deprived of a benefit without a requital; and upon the
 " faith of this assurance alone, I believe I may safely
 " affirm his Excellency's objections to signing the treaty
 " were given up. If I have understood the matter
 " wrong, or misconceived your design, I am truly
 " sorry for it; however, it is not too late to correct the
 " error; and I am ready to undertake, and God willing,
 " to carry through, whatever you may, on receipt of my
 " public letter, tell me is your final resolve.*

XVI.

That it appears, but on his the said Middleton's sole authority, in a letter from the said Middleton, dated Lucknow, 2d December 1781, that the Nabob of Oude, wishing to evade the measure of resuming the Jaghires aforesaid, did send a message to him, purporting, that if the measure proposed was intended to procure the payment of the balance due to the Company, he could better and more expeditiously effect that object, by taking from his mother the treasures of his father, which he did assert to be in her hands, and to which he did claim a right; and that it would be sufficient that he the said Hastings *" would hint his opinion upon it, without giving a formal
 " sanction to the measure proposed;"* and that whatever his resolution upon the subject should be, it would be expedient to keep it secret; adding *" the resumption of
 " the Jaghires it is necessary to suspend till I have your answer to this letter."*

XVII.

That it does not appear that the said Hastings did write any letter in answer to the proposal of the said Middleton, but he, the said Hastings, did communicate his pleasure thereon to Sir Elijah Impey being then at Lucknow, for his the said Middleton's information; and it does appear, that the seizing of the treasures of the mother of the Nabob, said to have been proposed

proposed as *an alternative* by the said Nabob, to prevent the resumption of the Jaghire, was determined upon and ordered by the said Hastings; and that the resumption of the said Jaghires, for the ransom of which the seizing of the treasures was proposed, was also directed; not one only, but both sides of the alternative being enforced upon the female parents of the Nabob aforesaid, although both the one and the other had been secured to them by a treaty with the East India Company.

XVIII.

That Sir Elijah Impey, Knight, his Majesty's Chief Justice at Fort William, did undertake a journey of nine hundred miles, from Calcutta to Lucknow, on pretence of health and pleasure, but was in reality in the secret of these and other irregular transactions, and employed as a channel of confidential communication therein. And the said Warren Hastings, by presuming to employ the said Chief Justice, a person particularly unfit for an agent, in the transaction of affairs, *prima facie* at least unjust, violent, and oppressive, contrary to public faith, and to the sentiments and law of nature; and which he, the said Hastings, was sensible "could not fail to draw obloquy on himself by his participation," did disgrace the King's commission, and render odious to the natives of Hindostan the justice of the Crown of Great Britain.

XIX.

That although the said Warren Hastings was from the beginning duly informed of the violence offered to the personal inclinations of the Nabob, and the "apparent assumption of the reins of his government," for the purposes aforesaid, yet, more than two years after, he did write to his private agent, Major Palmer, that is to say, in his letter of the 6th of May 1783, "that it has been a matter of *equal surprise and concern* to him, to learn from the letters of the resident, that the Nabob Vizier was with difficulty, and almost un-

" con-

“conquerable reluctance, induced to give his consent to the attachment of the treasure deposited by his father, under the charge of the Begum his mother, and to the resumption of her Jaghire, and the other Jaghires of the individuals of his family;” which pretence of ignorance of the Nabob’s inclinations, is fictitious and groundless. But whatever deception he might pretend to be in concerning the original intention of the Nabob, he was not, nor did he pretend to be, ignorant of his, the Nabob’s reluctance to *proceed* in the said measures; but did admit his knowledge of the Nabob’s reluctance to their full execution, and yet did justify the same as follows:

“I desire that you will inform him (the Nabob) that in these and the other measures which were either proposed by him, or received his concurrence in the agreement passed between us at Chunar, I neither had nor could have any object *but his relief, and the strengthening of his connection with the Company*; and that I should not on any other ground have exposed myself to *the personal obloquy which they could not fail to draw upon me by my participation in them*, but left him to regulate, by his own discretion, and by his own means, the oeconomy of his own finances, and *with much more cause, the assertion of his domestic right. In these, he had no regular claim to my interference*; nor had I, in my public character, *any claim upon him*, but for the payment of the debt then due from him to the Company, although I was under the strongest obligations to require it for the relief of the pressing exigencies of their affairs.—He will well remember the manner in which, at a visit to him in his own tent, I declared my acquiescence freely and without hesitation to each proposition, which afterwards formed the substance of a written agreement, as he severally made them; and he can want no other evidence of my motives for *so chearful a consent*, nor for the requests which I added as the means of fulfilling his purposes in them. Had he not made these measures his own option, I should not have proposed them; *but having once adopted them, and*
“*made*

“ made them the conditions of a formal and sacred agreement, I had no longer an option to dispense with them, but was bound to the complete performance and execution of them, as points of public duty and of national faith, for which I was responsible to my King, and the Company, my immediate superiors; and this was the reason for my insisting on their performance and execution, when I was told that the Nabob himself had relaxed from his original purpose, and expressed a reluctance to proceed in it.”

XX.

That the said Warren Hastings does admit, that the Nabob *had* originally no regular claim upon him for his interference, nor he any claim on the Nabob, which might entitle him to interfere in the Nabob's domestic concerns; yet, in order to justify his so invidious an interference, he did, in the letter aforesaid, give a false account of the said treaty, which (as beforementioned) did nothing more than give a *permission* to the Nabob to resume the Jaghires, if *HE* should judge the same to be necessary; and did therefore leave the right of dispensing with the whole, or any part thereof, as much in his option after the treaty, as it was before; the declared intent of the article being only to remove the restraint of the Company's guarantee forbidding such resumption, but furnishing nothing which could authorize putting that resumption into the hands and power of the Company, to be enforced at *their* discretion. And with regard to the other part of the spoil made by order of the said Hastings, and by him, in the letter aforesaid, stated to be made equally against the will of the Nabob; namely, that which was committed on the personal and moveable property of the female parents of the Nabob, nothing whatsoever in relation to the same is stipulated in the said pretended treaty.

XXI.

That the said Hastings, in asserting that he was bound to the acts aforesaid by public duty, and even
by

by national faith, in the very instance in which that national faith was by him grossly violated; and in justifying himself, by alledging that he was bound to the *complete* execution, by a responsibility to the Company which he immediately served; and by asserting, that these violent and rapacious proceedings, subjecting all persons concerned in them to obloquy, would be the means of strengthening the connection of the Nabob with the British United Company of Merchants trading to the East Indies; did disgrace the authority under which he immediately acted. And that the said Hastings, in justifying his obligation to the said acts by a responsibility to the *King*, namely to the King of Great Britain, did endeavour to throw upon his Majesty, his lawful sovereign (whose name and character he was bound to respect, and to preserve in estimation with all persons, and particularly with the sovereign princes, the allies of his Government) the disgrace and odium of the aforesaid acts, in which a sovereign prince was by him the said Hastings made an instrument of perfidy, wrong, and outrage, to two mothers and wives of sovereign princes; and in which he did exhibit to all Asia (a country remarkable for the utmost devotion to parental authority) the spectacle of a Christian Governor representing a Christian Sovereign, compelling a son to become the instrument of such violence and extortion against his own mother.

XXII.

That the said Warren Hastings, by repeated messages and injunctions, and under menaces of "a dreadful responsibility," did urge the resident to a completion of this barbarous act; and well knowing that such an act would probably be resisted, did order him, the said resident, to use the British troops under his direction for that purpose, and did offer the assistance of further forces, urging the execution in the following peremptory terms: "You *yourself* must be *personally present*; you must not allow *any* negotiation or forbearance; but must prosecute both ser-

vices,

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“ vices, until the Begums (Princesses) are at the entire mercy of the Nabob.”

XXIII.

That in conformity to the said peremptory orders, a party of British and other troops, with the Nabob in the ostensible, and the British resident in the real command, were drawn towards the city of Fyzabad, in the castle of which city the mother and grand-mother of the Nabob had their residence; and after expending two days in negotiation (the particulars of which do not appear) the resident not receiving the satisfaction he looked for, the town was first stormed, and afterwards the castle; and little or no resistance being made, and no blood being shed on either side, the British troops occupied all the outer inclosure of the palace of one of the Princesses, and blocked up the other.

XXIV.

That this violent assault and forcible occupation of their houses, and the further extremities they had to apprehend, did not prevail on the female parents of the Nabob to consent to any submission, until the resident sent in unto them a letter from the said Warren Hastings (no copy of which appears) declaring himself no longer bound by the guaranty, and containing such other matter as tended to remove all their hopes, which seemed to be centered in British faith.

XXV.

That the chief officers of their household, who were their treasurers and confidential agents, the eunuchs Jewar Ali Khân, and Behar Ali Khân, persons of great eminence, rank, and distinction, who had been in high trust and favour with the late Nabob, were ignominiously put into confinement under an inferior officer, in order to extort the discovery of the treasures and effects committed to their care and fidelity. And the said Middleton did soon after, that is to say, on the 12th of January 1782,
O deliver

deliver them over for the same purpose into the custody of Captain Neal Stewart, commanding the 8th regiment, by his order given in the following words: "To be kept in close and secure confinement, admitting of no intercourse with them, excepting by their four menial servants, who are authorised to attend them until further orders. You will allow them to have any necessary and convenience which may be consistent with a strict guard over them."

XXVI.

That in consequence of these severities upon herself, and on those whom she most regarded and trusted, the mother of the said Nabob did at length consent to the delivering up of her treasures, and the same were paid to the Resident, to the amount of the bond given by the Nabob to the Company for his balance of the year 1779-80, and the said treasure "was taken from the most secret recesses in the houses of the two eunuchs."

XXVII.

That the Nabob continuing still under the pressure of a further pretended debt to the Company for his balance of the year 1780-81, the Resident not satisfied with the seizure of the estates and treasures of his parents aforesaid, although he the said Resident did confess that the Princess mother "had declared, *with apparent truth*, that she had delivered up *the whole of the property in her hands*, excepting goods, which from the experience which he the Resident had of the *small produce* of the sales of a former payment made by her in that mode, he did refuse, and that, in his opinion, it certainly would have amounted to little or nothing," did proceed to extort another great sum of money, that is to say, the sum of £. 120,000 sterling, on account of the last pretended balance aforesaid. In order thereof to compel the said ministers and treasurers either to distress their principals,

cipals, by extorting whatever valuable substance might, by any possibility, remain concealed, or to furnish the said sum from their own estates, or from their credit with their friends, did order their imprisonment to be aggravated with circumstances of great cruelty, giving an order to Lieutenant Francis Rutledge, dated 20th of January 1782, in the following words:

“ Sir,
 “ When this note is delivered to you by Hoolas
 “ Roy, I have to desire, that you order the two pri-
 “ soners to be put *in irons, keeping them from all food,*
 “ *&c. agreeable to my instructions of yesterday.*

(Signed)

NATHL MIDDLETON.”

XXVIII.

That by the said unjust and rigorous proceeding, the said Eunuchs were compelled to give their engagement for the payment of £. 120,000 sterling aforesaid, to be completed within the period of one month: but after they had entered into the said compulsory engagement, they were still kept in close imprisonment, and the mother and grand-mother of the Nabob were themselves held under a strict guard; although at the same time, the confiscated estates were actually in the Company's possession, and found to exceed the amount of what they were rated at in the general list of confiscated estates; and although the assistant resident Johnson did confess “that the object of distressing the Bhow Begum was merely to obtain a *ready money* instead of “ a *dilatory payment*, and that this ready money payment, if not paid, was recoverable in the course of a “ few months upon the Jaghiers in his possession; and “ that therefore it was not worth proceeding to any “ extremities beyond the one described (namely the “ confinement of the Princesses, and the imprisonment and fettering of their ministers) upon so respectable a family.”

XXIX.

That after the surrender of the treasure, and the passing the bonds and obligations given as aforesaid, the resident having been strictly ordered by the said Warren Hastings not to make any settlement whatsoever with the said women of high rank, the Nabob was induced to leave the city of Fyzabad, without taking leave of his mother, or shewing her any mark of duty or civility. And on the same day the resident left the city aforesaid; and after his return to Lucknow, in order to pacify the said Hastings, who appeared to resent that the Nabob was not urged to greater degrees of rigour than those hitherto used towards his mother, he the said resident did, in his letter of the 6th February, give him an assurance in the following words: "I shall, as you direct, use my influence to dissuade his Excellency from concluding *any settlement* until I have your further commands."

XXX.

That the payment of the bond last extorted from the eunuchs was soon after commenced, and the grand-mother, as well as the mother, were now compelled to deliver what they declared was *the extent of the whole* of both their possessions, including down to their *table utensils*; which, as the resident admitted, "they had been, and were still delivering, and that no proof had yet been obtained of their having more."

XXXI.

That bullion, jewels, and goods, to the amount of five hundred thousand pounds and upwards, were actually received by the resident; for the use of the Company, before the 23d of February 1782; and there remained, on the said extorted bond, no more than about £. 25,000, according to the statement of the eunuchs, and not above fifty thousand according to that made by the resident.

XXXII.

XXXII.

That in this advanced state of the delivery of the extorted treasure, the ministers of women aforesaid of the reigning family, did apply to Captain Leonard Jaques, under whose custody they were confined, to be informed of the deficiency with which they stood charged, that they might endeavour, with the assistance of their friends, to provide for the same, and praying that they might, through his mediation, be freed from the hardships they suffered under their confinement; to which application they received an insolent answer from the said Richard Johnson, dated February 27th, 1782, declaring, that part in what he had received in payment was in jewels and bullion; and that more than a month, the time fixed for the final payment, would elapse before he could dispose of the same; insisting upon a ready money payment, and assuring them, “that the day on which their agreement expired, he should be indispenfibly obliged to recommence severities upon them, until the last farthing was fully paid.” And in order to add to their terrors and hardships, as well as to find some pretext for the further cruel and inhuman acts intended, an apparently groundless and injurious charge was suggested to the imprisoned ministers aforesaid, in the following words:—“You may also mention to them, that I have reason to *suspect* that the commotions raised by Bulbudder, has not been without their *suggestion and abetment*, which, if proved upon them, in addition to the *probable* breach of their agreement, will make their situation *very desperate*.”

XXXIII.

That on the receipt of the said letter, that is, on the 2d of March, the ministers aforesaid did aver, that they were not able to obtain cash in lieu of the jewels and other effects; but that if the goods were sold, and they released from their confinement, and permitted (as they have before requested) to go abroad among their friends, they could soon make good the deficiency; and

and they did absolutely deny " that they had any
 " hand in the commotions raised by Bulbudder, or
 " any kind of correspondence with him or his ad-
 " herents."

XXXIV.

That the prisoners aforesaid did shortly after, that is to say, on the 13th March, 1782, a third time renew their application to Nathaniel Middleton, Esquire, the resident, and did request that the jewels remaining in his the said resident's hands, towards the payment of the balance remaining, " might be valued by four or
 " five eminent merchants, Musselmén and Hindûs, upon oath," and that if any balance should afterwards appear, they would upon their release get their friends to advance the same; and they did again represent the hardship of their imprisonment, and pray for relief; and did again assert, that the imputations thrown upon them by the said Richard Johnson were false and groundless; " that they had no kind of intercourse,
 " either directly or indirectly, with the authors of the
 " commotions alluded to, and that they did stake
 " their lives upon the smallest proof thereof being
 " brought."

XXXV.

That instead of their receiving any answer to any of the aforesaid reasonable propositions, concerning either the account stated, or the crimes imputed to them, or any relief from the hardships they suffered, he, the resident Middleton, did, on the 18th of the said month, give to the officer who had supplicated in favour of the said prisoners, an order, in which he declared himself
 " under the disagreeable necessity of recurring to se-
 " verities, to enforce the said payment; and that this
 " is therefore to desire that you immediately cause
 " them *to be put in irons*, and keep them so until I
 " shall arrive at Fyzabad to take further measures as
 " may be necessary." Which order being received at Fyzabad the day after it was given, the said eunuchs were
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a second time thrown into irons. And it appears that (probably in resentment for the humane representations of the said Captain Jaques) the resident did refuse to pay for the fetters, and other contingent charges of the imprisonment of the said ministers of the Nabob's mother, when at the same time very liberal contingent allowances were made to other officers; and the said Jaques did strongly remonstrate against the same as follows:—" You have also ordered me to put the
 " prisoners in irons—This I have done: yet, as I have
 " no business to purchase fetters, or supply them any
 " other way, it is but reasonable that you should order
 " me to be reimbursed. And why should I add any
 " thing more? A late commander at this place, I
 " am told, draws near as many thousands monthly
 " contingencies, as my trifling letter for hundreds.
 " However, if you cannot get my bill paid, be so
 " obliging as to return it; and give me an opportunity of declaring to the world, that I believe I am
 " the first officer in the Company's service who has
 " suffered in his property by an independant command."

XXXVI.

That, in about two months after the said prisoners had continued in irons in the manner aforesaid, the officer on guard, in a letter of the 18th May did represent to the resident as follows:—" The prisoners,
 " Baher and Jewar Ali Khân, who seem to be very
 " sickly, have requested their irons might be taken
 " off for a few days, that they might take medicine,
 " and walk about the garden of the place where they
 " are confined. Now, as I am sure *they will be equally*
 " *secure without their irons as with them*, I think it my
 " duty to inform you of this request: I desire to know
 " your pleasure concerning it." To which letter the said officer did receive a direct refusal, dated 22d May 1782, in the following words:—" I am sorry it
 " is not in my power to comply with your proposal of
 " easing the prisoners for a few days of their fetters.
 " Much

“ Much as my humanity may be touched by their sufferings, I should think it inexpedient to afford them any alleviation, while they persist in a breach of their contract with me: and indeed, no indulgence can be shewn them without the authority of the Nabob, who, instead of consenting to moderate the rigours of their situation, would be most willing to multiply them.” Endeavouring to join the Nabob, whom he well knew to be reluctant in the whole proceeding, as a party in the cruelties, by which through the medium of her servants, it was intended to coerce his mother.

XXXVII.

That the said resident, in a few days after, that is to say, on the 1st June 1782, in a letter to Major Gilpin, in command at Fyzabad, did order the account, as by himself stated to be read to the prisoners; and, without taking any notice of their proposal concerning the valuation of the effects, or their denial of the offences imputed to them, to demand a positive answer relative to the payment; and “ upon receiving from them a negative or unsatisfactory reply, to inform them that all further negociation being at an end, they must prepare for their removal to Lucknow, where they would be called upon to answer, not only their recent breach of faith and solemn engagement, but also to atone for other heavy offences; the punishment of which, as had frequently been signified to them, it was in their power to have mitigated, by a proper acquittal of themselves in this transaction.” By which insinuations, concerning the pretended offences of the said unhappy persons, and the manner by which they were to atone for the same, and by their never having been specifically and directly made, it doth appear, that the said crimes and offences were charged for the purpose of extorting money, and not upon the principles or for the ends of justice.”

XXXVIII.

XXXVIII.

That after some ineffectual negotiations to make the prisoners pay the money, which it does not appear to have been in their power to pay, they were again threatened by the Resident, in a letter to Major Gilpin, dated the 9th June 1782, in the following terms:—
 “ I wish you to explain once more to the prisoners, the
 “ imprudence and folly of their conduct, in forcing
 “ me to a measure which must be attended with con-
 “ sequences so very serious to them; and that, when
 “ once they are removed to Lucknow, *it will not be in*
 “ *my power to shew them mercy, or to stand between*
 “ *them and the vengeance of the Nabob.* Advise them
 “ to reflect seriously upon the unhappy situation in
 “ which they will be involved in one case, and the re-
 “ lief it will in be my power to procure them in the
 “ other; and let them make their option.”

XXXIX.

That he, the said Resident, did also, at the same time, receive a letter from the Princess mother, which letter does not appear, but to which only the following insolent return was made; that is to say, “ The letter
 “ from the Bhow Begum is no ways satisfactory, and
 “ I cannot think of returning an answer to it. Indeed
 “ all correspondence between the Begum and me has
 “ long been stopped; and I request you will be pleased
 “ to inform her, that I by no means wish to resume it,
 “ or to maintain any friendly intercourse with her, un-
 “ til she has made good my claim upon her for the
 “ balance due.”

XL.

That in consequence of these threats, and to prevent a separation of the ministers from their mistresses, several plans for the payment of the balance were offered, both by the mother of the Nabob, and the prisoners, to which no other objection appears to have been made, than the length of time required by the parties to discharge the comparatively small remainder

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of the extorted bond; the officer on command declaring, that, conformable to his instructions, he could not receive the same.

XLI.

That the prisoners were actually removed from the city of their residence to the city of Lucknow, where they arrived on the 24th of June 1782, and were, on the next day, threatened with severities, "to make them discover where the balance might be procurable." And on the 28th, it should seem, that the severities, for the purpose aforesaid, were inflicted, at least upon one of them; for the assistant Resident, Johnson, did, on that day, write to Captain Waugh, the officer commanding the guard, the letter following, full of disgrace to the honour, justice, and humanity of the British nation.

" Sir,

" The Nabob having determined to *inflict corporal punishment upon the prisoners* under your guard, this is to desire, that his officers, when they shall come, may have free access to the prisoners, and *be permitted to do with them as they shall see proper*, only taking care, that they leave them always under your charge."

XLII.

That the said Richard Johnson did, further to terrify the prisoners, and to extort by all ways the remainder of the said unjust, oppressive, and rapacious demand, threaten to remove them out of the Nabob's dominions into the castle of Chunargur, in order for ever to separate them from their principals, and deprive both the parties of their reciprocal protection and services, and did order a further guard to be kept on the palace of the grandmother of the Nabob, an ally of the company, and to prevent the entrance of the provisions to her (which order relative to the guard only was executed) and did use sundry unworthy and insulting menaces, both with regard to herself and to her principal ministers.

XLIII. That

XLIII.

That a propofal was foon after made by the faid Princefs and her daughter-in-law, praying that their minifters aforefaid fhould be returned to Fyzabad, and offering to raife a fum of money on that condition; as alfo that they would remove from one of their palaces, whilft the Englifh were to be permitted to fearch the other. But the affiftant Refident Johnson did, inftead of a compliance with the former of thefe propofitions, fend the following orders, dated 23d July 1782, to the officer commanding the guard on the minifters aforefaid: “ Some violent demands having
 “ been made for the releafe of the prifoners, it is neceffary that every poffible precaution be taken for their
 “ fecurity; you will therefore be pleafed to be very
 “ ftrict in guarding them; and I herewith fend *another*
 “ *pair of fetters to be added to thofe now upon the prifoners.*” And in answer to the fecond propofition, the faid Refident did reply in the following terms; “ The propofal of evacuating one palace, that it may
 “ be fearched, and then evacuating the next, upon the
 “ fame principle, is apparently fair: but it is well
 “ known in the firft place, that fuch bricked up, or
 “ otherwife hidden treafure, is not to be hit upon in a
 “ day, without a guide. I have therefore informed the
 “ Nabob of this propofal, and if the matter is to be
 “ reduced to a fearch, he will go himfelf with fuch
 “ people as he may poffefs, for information, together
 “ with the prifoners; and when in poffeffion of the
 “ ground, by *punifhing the prifoners*, or by fuch *other*
 “ *means as he may find moft effectual* to forward a fuccefsful fearch upon the fpot, he will avail himfelf of the
 “ propofal made by the Bhow Begum.”

XLIV.

That probably from the Nabob’s known and avowed reluctance to lend himfelf to the perpetration of the oppreffive and iniquitous proceedings of the reprefentative of the Britifh government, the scandalous plan aforefaid was not carried into execution: And all the

rigours practised upon the chief ministers of the ladies aforesaid at Lucknow, being found ineffectual, and the Princess's mother having declared herself ready to deliver up every thing valuable in her possession, which Baher Ally Khân, one of her confidential ministers aforesaid, only could come at, the said change of prison was agreed to:—but not until the Nabob's mother had engaged to pay, for the said change of prison, a sum of ten thousand pounds (one half of which was paid on the return of the Eunuchs) and that “ she would ransack the *Zenana* (women's apartments) “ for kin-
“ cobs, muslins, cloaths, &c. &c. &c. and that she
“ would even allow a deduction from the annual allowance, made to her for her subsistence in lieu
“ of her Jaghire.”

XLV.

That soon after the return of the aforesaid ministers to the place of their imprisonment at Fyzabad, bonds for the five thousand pounds aforesaid, and goods, estimated, according to the valuation of a merchant appointed to value the same, at the sum of forty thousand pounds, even allowing them to sell greatly under their value, were delivered to the commanding officer at Fyzabad; and the said commanding officer did promise to the Begum to visit Lucknow with such proposals as he hoped would secure the *small balance* of fifteen thousand pounds remaining of the unjust exaction aforesaid. But the said Resident Middleton did, in his letter of the 17th of the said month, positively refuse to listen to any terms, before the final discharge of the whole of the demand; and did positively forbid the commanding officer to come to Lucknow to make the proposal aforesaid, in the terms following; “ As it
“ is not possible to listen to *any* terms from the Begums,
“ before the *final* discharge of their conditional agreement for fifty-five lacks, your coming here upon
“ such an agency can only be *loss of time* in completing
“ the recovery of the balance of 6,55,000; for which
“ your regiment was sent to Fyzabad. I must therefore desire you will leave *no efforts, gentle or harsh,*
“ unattempted, to complete this, before you move
“ from

“ from Fyzabad; and I am very anxious that this
“ should be as soon as possible, *as I want to employ your*
“ *regiment upon other emergent service, now suffering by*
“ *every delay.*”

XLVI.

That the goods aforesaid were sent to Lucknow, and disposed of in a manner unknown; and the harsh and oppressive measures aforesaid being still continued, the Begum did, about the middle of October 1782, cause to be represented to the said Middleton as follows: “ That her situation was truly pitiable; her
“ estate sequestered; her treasury ransacked; her C-
“ jahs prisoners; and her servants deserting daily from
“ want of subsistence. That she had solicited the loan
“ of money, to satisfy the demands of the Company,
“ from every person that she imagined would or could
“ assist her with any; but that the opulent would not
“ listen to her adversity.—She had hoped that the
“ wardrobe sent to Lucknow might have sold for at
“ least one half of the company’s demands on her; but
“ even jewellery and goods, she finds from woeful ex-
“ perience, lose their value the moment it is known
“ they come from her. That she had now solicited the
“ loan of cash from Almas Ally Cawn, and if she failed
“ in that application, she had no hopes of ever borrow-
“ ing a sum equal to the demand.”—An hope not
likely to be realized, as the said Almas Ali was then engaged for a sum of money to be raised for the Company’s use on the security of their confiscated lands; the restoration of which could form the only apparent security for a loan.

XLVII.

That this remonstrance produced no effect on the mind of the aforesaid resident; who being about this time removed from his residency, did, in a letter to his successor Mr. Bristow, dated 23d October 1782, in effect recommend a perseverance in the cruel and oppressive restraints aforesaid, as a certain means of recovering
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the remainder of the extorted bond; and that the lands with which the Princesses aforesaid had been endowed, should not be restored to them.

XLVIII.

That the said Warren Hastings was duly apprized of all the material circumstances in the unjust proceedings aforesaid; but did nothing to stop the course they were in, or to prevent, relieve, or mitigate the sufferings of the parties affected by them; on the contrary, he did, in his letter of the 25th of January 1782, to the resident Middleton, declare that the Nabob having consented to the "resumption of the Jaghires held by the Begums, and to the confiscation of their treasures, and thereby involved my own name and the credit of the Company in a participation of both measures, I have a right to *require and insist on the complete execution of them*; and I look to you for their execution, declaring, that I shall hold you accountable for it." And it appears, that he did write to the Nabob a letter in the same peremptory manner; but the said letter has been suppressed.

XLIX.

That he the said Hastings further did manifest the concern he took in, and the encouragement which he gave to the proceedings aforesaid, by conferring honours and distinctions upon the ministers of the Nabob, whom he, the Nabob, did consider as having in the said proceedings disobeyed him and betrayed him, and as instruments in the dishonour of his family, and the usurpation of his authority.—That the said Ministers did make addresses to the said Hastings for that purpose (which addresses the said Hastings hath suppressed); and the resident Middleton did, with his letter of the 11th of February 1782, transmit the same; and did, in the said letter, acquaint the said Hastings, "that the Ministers of the Nabob had incurred much odium on account of their participation in his measures, and
" that

“ that they were not only considered by the party of
 “ the dispossessed Jaghiredars, and the mother and
 “ uncle of the Nabob, but *by the Nabob himself*, as the
 “ *dependents of the English government, which they certainly*
 “ *are; and it is by its declared and most obvious support*
 “ *alone*, that they can maintain the authority and in-
 “ fluence which is indispensibly necessary.” And the
 said Middleton did therefore recommend, “ that they
 “ should be honoured with some testimony of his (the
 “ said Hastings’s) approbation and favour.” And he
 the said Warren Hastings did send kellauts or robes of
 honour (the most public and distinguished mode of ac-
 knowledging merit known in India) to the said Minis-
 ters in testimony of his approbation of their late services.

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That the said Hastings did not only give the afore-
 said public encouragement to the ministers of the Na-
 bob to betray and insult their master and his family, in
 the manner aforesaid, but when the said Nabob did
 write several letters to him, the said Hastings, expressive
 of his dislike of being used as an instrument in the dis-
 honourable acts aforesaid, and refusing to be further con-
 cerned therein, he, the said Warren Hastings, did not
 only suppress and hide the said letters from the view of
 the Court of Directors; but in his instructions to the
 resident Bristow, did attribute them to Hyder Beg Khân,
 minister to the Nabob (whom in other respects he did
 before and ever since support against his master) and
 did express himself with great scorn and contempt of
 the said Nabob, and with much asperity against the said
 ministers; affirming, in proud and insolent terms, that
 he had, “ by an abuse of his influence over the Nabob,
 “ he, the Nabob himself, being (*as he ever must be in the*
 “ *hands of some person*) a mere cypher in his, (the said mi-
 “ *nister’s*) dared to make him (the Nabob) assume a very
 “ *unbecoming* tone of refusal, reproach, and resentment,
 “ in opposition to *measures recommended by ME*, and
 “ even to *acts done by MY authority*,” the said Hastings,
 in the instruction aforesaid, particularizing the resump-
 tion of the Jaghires, and the confiscation of the trea-
 sures

fures tht had been so long suffered to remain in the hands of his (the Nabob's) mother. But the letters of the Nabob, which in the said instructions he refers to, as containing an opposition to the measures recommended by him, and which he asserts was conveyed in a very unbecoming tone of refusal, reproach, and resentment, he the said Hastings hath criminally withheld from the Company, contrary to their orders, and to his duty; and the more, as the said letters must tend to shew in what manner the said Nabob did feel the indignities offered to his mother, and the manner in which the said ministers, notwithstanding their known dependence on the English government, did express their sense of the part which their sovereign was compelled to act in the said disgraceful measures. And in further instructions to him the said new resident, he did declare his approbation of the evil acts aforesaid, as well as his resolution of compelling the Nabob to those rigorous proceedings against his parent, from which he had long shewn himself so very averse, in the following words:

" The severities which have been increased towards the
 " Begums were most justly merited, by the advantage
 " which they took of the troubles in which I was personally involved last year, to create a rebellion in the
 " Nabob's government, and to complete the ruin which
 " they thought was impending on ours." " If it is
 " the Nabob's desire to forget and to forgive their past
 " offences, I have no objection to his allowing them,
 " in pension, the nominal amount of their Jaghires;
 " but if he shall *ever offer* to restore their Jaghires to
 " them, or to give them any property in land, after
 " the warning which they have given him by the
 " dangerous abuse which they formerly made of his
 " indulgence, you must remonstrate in the strongest
 " terms against it; *you must not permit such an event to*
 " *take place*, until this government shall have received
 " information of it, and shall have had time to interpose its influence for the prevention of it." And the said Warren Hastings, who did, in the manner aforesaid, positively refuse to admit the Nabob to restore to his mother and grandmother any part of their landed estates for their maintenance, did well know that
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the revenues of the said Nabob were at that time so far applied to the demands of the company (by him the said Warren Hastings, aggravated beyond the whole of what they did produce) or were otherwise so far applied to the purposes of several of the servants of the company and others, the dependants of him the said Hastings, that none of the pensions or allowances assigned by the said Nabob, in lieu of the estates confiscated, were paid, or were likely to be discharged with that punctuality which was necessary even to the scanty subsistence of the persons, to which they were in name and appearance applied. For,

LI.

That so early as the 6th of March 1782, Captain Leonard Jaques, who commanded the forces on duty for the purpose of distressing the several women in the palaces at Fyzabad, did complain to the resident, Richard Johnson, in the following words: "The women being long to the Khord Mohul (or lesser palace) complain of their being in want of *every necessary of life*, and are at last driven to that desperation, that they at night get on the top of the Zenanah, make a great disturbance, and last night not only alarmed the centinels posted in the garden, but threw dirt at them: *they threaten to throw themselves from the walls of the Zenanah, and also to break out of it.* Humanity obliges me to acquaint you of this matter, and to request to know if you have any directions to give me concerning it. I also beg leave to acquaint you I sent for Letasit Ally Khan, the cojah, who has the charge of them, and who informs me it is well grounded, that they *have sold every thing they had, even to the cloaths from their backs, and now have no means of subsisting.*"

LII.

That the distresses of the said women grew so urgent on the night of the said 6th of March, the day when the

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letter

letter above recited was written, that Captain Leonard Jaques afore said did think it necessary to write again, on the day following, to the British resident, in the following words: "I beg leave to address you again concerning the women in the Khord Mohul, (the lesser palace.) Their behaviour last night was so furious, that their seemed the greatest probability of their proceeding to the uttermost extremities, and that they would either *throw themselves from the walls, or force open the doors of the Zenanah.* I have made every enquiry concerning the cause of their complaints, and find from Lattasit Ally Khan, that they are in a *starving condition, having sold all their cloaths and necessaries, and now have not wherewithal to support nature;* and as my instructions are quite silent on this head, I should be glad to know how to proceed in case they were to force the doors of the Zenanah, as I suspect it will happen, should no subsistence be very quickly sent to them."

LIII.

That in consequence of these representations, it appears that the said Resident, Richard Johnson, did promise that an application should be made to certain of the servants of the Nabob Vizier, to provide for their subsistence.

LIV.

That Captain Jaques being relieved from the duty of imprisoning the women of Suja ul Dowla, the late sovereign of Oude an ally of the company, who dwelt in the said lesser palace, and Major Gilpin being appointed to succeed, the same malicious design of destroying the said women, or the same scandalous neglect of their preservation and subsistence, did still continue; and Major Gilpin found it necessary to apply to the new resident Bristow, in a letter of the 30th of October 1782, as follows:—

"Sir, last night about eight o'clock the women in the Khord Mohul [lesser palace] or Zenanah, [women's apartment]

“apartment] under the charge of Latafut Ally Khan,
“assembled on the tops of the buildings, *crying in a*
“*most lamentable manner for food, that for the last four*
“*days they had got but a very scanty allowance, and that*
“*yesterday they had got none.*

“*The melancholy cries of famine are more easily imagin-*
“*ed than described; and from their representation, I*
“*fear the Nabob’s agents for that business are very in-*
“*attentive; I therefore think it requisite to make you*
“*acquainted with the circumstance, that his excellency*
“*the Nabob may cause his agents to be more circum-*
“*spect in their conduct towards these poor unhappy*
“*women.*”

LV.

That, although the Resident Bristow did not then think himself authorized to remove the guard, he did apply to the minister of the Nabob, who did promise some relief to the women of the late Nabob, confined in the Lesser Palace; but apprehending, with reason, that the Minister aforesaid might not be more ready or active in making the necessary provision for them than on former occasions, he did render himself personally responsible to Major Gilpin for the repayment of any sum equal to one thousand pounds sterling, which he might procure for the subsistence of the sufferers. But whatever relief was given (the amount thereof not appearing) the same was soon exhausted; and the number of persons to be maintained in the said Lesser Palace being eight hundred women, the women of the late sovereign, Sujah ul Dowla, and several of the younger children of the said sovereign prince, besides their attendants, Major Gilpin was obliged, on the fifteenth of November following, again to address the Resident by a representation of this tenor: “Sir,
“the repeated cries of the women in the Khord Mohul Zenanah for subsistence has been truly melancholy.

“ They beg most piteously for liberty, that they may earn their daily bread by laborious servitude, or to be relieved from their misery by immediate death.”

“ In consequence of their unhappy situation, I have this day taken the liberty of drawing on you in favour of Ramnarian, at ten days sight, for twenty son kerah rupees, ten thousand of which I have paid to Cojah Latafut Ally Cawn, under whose charge that Zenanah is.”

LVI.

That, notwithstanding all the promises and reiterated engagements of the Minister Hyder Beg Khân, the ladies of the Palace aforesaid fell again into extreme distress; and the Resident did again complain to the said Minister, who was considered to be, and really and substantially was, the Minister of the Governor General Warren Hastings aforesaid, and not of the Nabob, the said Nabob being, according to the said Hastings's own account, “ a cypher in his [the said Minister's] hands” that the funds allowed for their subsistence, were not applied to their support. But notwithstanding all these repeated complaints and remonstrances, and the constant promise of amendment on the part of his, the said Hastings's Minister, the supply was not more plentiful or more regular than before.

LVII.

That the said Resident Bristow, finding by experience the inefficacy of the courses which had been pursued with regard to the mother and grandmother of the reigning prince of Oude; and having received a report from Major Gilpin, informing him, that all which could be done by force, had been done; and that the only hope which remained, for realizing the remainder of the money unjustly exacted as aforesaid, lay in more lenient methods; he, the said Resident, did,

did, of his own authority, order the removal of the guard from the palaces, the troops being long and much wanted for the defence of the frontier, and other material services; and did release the said Ministers of the said women of rank, who had been confined and put in irons, and variously distressed and persecuted, as aforerecited, for near twelve months.

LVIII.

That the manner in which the said inhuman acts of rapacity and violence were felt, both by the women of high rank concerned, and by all the people, strongly appears in the joy expressed on their release, which took place on the 5th of December 1782; and is stated, in two letters of that date from Major Gilpin to the Resident, in the words following:

“ I have to acknowledge the receipt of your letter
“ of the 2d instant, and in consequence immediately
“ enlarged the prisoners, Behar Ally Khân and Jewar
“ Ally Khân, from their confinement; a circumstance
“ that gave the Begums, and the city of Fyzabad in
“ general, the greatest satisfaction.

“ In tears of joy Behar and Jewar Ally Khân ex-
“ pressed their sincere acknowledgments to the Go-
“ vernor General, his Excellency the Nabob Vizier,
“ and to you, Sir, for restoring them to that invalu-
“ able blessing, liberty, for which they would ever
“ retain the most grateful remembrance; and at their
“ request I transmit you the enclosed letters.

“ I wish you had been present at the enlargement
“ of the prisoners. The quivering lips, with the tears
“ of joy stealing down the poor men's cheeks, was a
“ scene truly affecting.

“ If the prayers of these poor men will avail, you
“ will, at the last trump! be translated to the happiest
“ regions in heaven.”

LIX. That

LIX.

That the Resident Bristow, knowing how acceptable the said proceeding would be to all the people of Oude, and the neighbouring independent countries, did generously and politically (though not truly) in his letter to the Princess Mother, attribute the said relief given to herself, and the release of her Ministers, to the humanity of the said Warren Hastings, agreeably to whose orders he pretended to act; asserting, that he the said Hastings "was the spring from whence she was restored to her dignity and consequence." And the account of the proceedings aforesaid were regularly transmitted to the said Warren Hastings on the 30th of December 1782, with the reasons and motives thereto, and a copy of the report of the officer concerning the intility of further force, attended with sundry documents concerning the famishing and other cruel treatment of the women and children of the late sovereign; but the same appear to have made no proper impression on the mind of the said Warren Hastings; for no answer whatsoever was given to the said letter until the 3d of March 1783, when the said Hastings, writing in his own character and that of the Council, did entirely pass by all the circumstances before recited, but did give directions for the renewal of measures of the like nature and tendency with those which (for several of the last months at least of the said proceeding) had been employed with so little advantage to the interest, and with so much injury to the reputation of the Company, his masters, in whose name he acted; expressing himself in the said letter of the 3d of March 1783, as follows: "We desire you will inform us what means have been taken for recovering the balance [the pretended balance of the extorted money] due from the Begums [Princesses] at Fyzabad; and, if necessary, you must recommend it to the Vizier to enforce the most effectual means for that purpose." And the Resident did, in his answer to the Board, dated 31st March 1783, on this peremptory order, again

again detail the particulars aforesaid to the said Warren Hastings, referring him to his former correspondence, stating the utter impossibility of proceeding further by force, and mentioning certain other disgraceful and oppressive circumstances; and in particular, That the Company did not, in plundering the mother of the reigning Prince of her wearing apparel and beasts of carriage, receive a value in the least equal to the loss she suffered; the elephants having no buyer but the Nabob, and the cloaths, which had last been delivered to Middleton at a valuation of thirty thousand pounds, were so damaged by ill keeping, in warehouses, that they could not be sold, even for six months credit, at much more than about eight thousand; by which a loss in a single article was incurred of twenty-two thousand pounds out of the fifty, for the recovery of which (supposing it had been a just debt) such rigorous means had been employed, after having actually received upwards of five hundred thousand pounds, in value to the Company; and extorted much more, in loss to the suffering individuals. And the said Bristow being well acquainted with the unmerciful temper of the said Hastings, in order to leave no means untried to appease him, not contented with the letter to the Governor General and Council, did on the same day write another letter *to him particularly*, in which he did urge several arguments, the necessity of using which to the said Hastings did reflect great dishonour on this nation, and on the Christian religion therein professed; viz. "That he
" had experienced great embarrassment in treating
" with her, [the mother of the reigning Prince] for,
" as the mother of the Vizier, the people look up to
" her with respect; and any hard measures practised
" against women of high rank, create discontent, and
" affect our national character." And the said Resident, after condemning very unjustly her conduct, added, "Still she is the mother of the Prince of the
" country, and the religious prejudices of *Mussulmen*
" prevail too strongly in their minds to forget her
" situation.

LX. That

LX.

That the said Warren Hastings did not make any answer to the said letter. But the mother of the Prince aforesaid, as well as the mother of his father, being, in consequence of his, the said Hastings's directions, incessantly and rudely pressed by their descendent, in the name of the Company, to pay to the last farthing of the demand, they did both positively refuse to pay any part of the pretended balances aforesaid, until their landed estates were restored to them; on the security of which alone, they alledged themselves to be in a condition to borrow any money, or even to provide for the subsistence of themselves and their numerous dependents. And, in order to put some end to these differences, the Vizier did himself, about the beginning of August 1783, go to Fyzabad, and did hold divers conferences with his parents, and did consent and engage to restore to them their landed estates aforesaid; and did issue an order that they should be restored accordingly: But his Minister aforesaid, having before his eyes the peremptory orders of him the said Warren Hastings, did persuade his master to dishonour himself, in breaking his faith and engagement with his mother and the mother of his father, by first evading the execution, and afterwards totally revoking his said public and solemn act, on pretence that he had agreed to the grant "from shame, being in their
" presence [the presence of his mother and grand-
" mother] and that it was unavoidable at the time;" —the said Minister declaring to him, that it would be sufficient if he allowed them "money for their ne-
" cessary expences, and that would be *doing enough*."

LXI.

That the faith given for the restoration of their landed estates being thus violated, and the money for necessary expences being as ill supplied as before, the women and children of the late sovereign, father of the reigning prince, continued exposed to frequent want of
the

the common necessities of life; and being sorely pressed by famine, they were compelled to break through all the principles of local decorum and reserve, which constitute the dignity of the female sex in that part of the world, and after great clamour and violent attempts, for one whole day, to break the inclosure of the palace, and to force their way into the public market, in order to move the compassion of the people, and to beg their bread; and they did, on the next day, actually proceed to the extremity of exposing themselves to public view—an extremity, implying the lowest state of disgrace and degradation; to avoid which many women in India have laid violent hands upon themselves—and they did proceed to the public market place, with the starving children of the late sovereign, and the brothers and sisters of the reigning prince;—a minute account of the transaction aforesaid was written to the British resident at Lucknow, by the person appointed to convey intelligence to him from Fyzabad, in the following particulars, highly disgraceful to the honour, justice, and humanity of this nation:

“ The ladies, their attendants, and servants, were still
“ as clamorous as last night. Letasut, the Daroga,
“ went to them and remonstrated with them on the im-
“ propriety of their conduct, at the same time assuring
“ them, that in a few days all their allowances would be
“ paid; and, should not that be the case, he would ad-
“ vance them ten days subsistence, upon condition that
“ they returned to their habitation. None of them,
“ however, consented to his proposals; but were still
“ intent upon making their escape through the Ba-
“ zar (market place) and in consequence formed
“ themselves into a line, and arranging themselves in
“ the following order: the children in the front; be-
“ hind them the ladies of the seraglio; and behind
“ them again their attendants: But their intentions
“ were frustrated by the opposition which they met
“ from Letasut's Sepoys.

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“ The

“ The next day Letafut went twice to the women,
“ and used his endeavours to make them return into
“ the Zenanah, promising to advance them 10,000 ru-
“ pees ; which, upon the money being paid down,
“ they agreed to comply with ; but night coming on,
“ nothing transpired.

“ On the day following, their clamours were more
“ violent than usual. Letafut went to confer with
“ them upon the business of yesterday, offering the
“ same terms. Depending upon the fidelity of his
“ promises, they consented to return to their apart-
“ ments ; which they accordingly did, except two or
“ three of the ladies, and most of their attendants.
“ Letafut then went to Hossimund Ally Cawn, to consult
“ with him upon what means they should take. They
“ came to a resolution of driving them in by force ;
“ and gave orders to their Sepoys to beat any one of
“ the women who should attempt to move forward.
“ The Sepoys consequently assembled ; and each on
“ being provided with a bludgeon, they drove them
“ by dint of beating into the Zenanah. The women,
“ seeing the treachery of Letafut, proceeded to,
“ throw stones and bricks at the Sepoys, and again at-
“ tempted to get out ; but finding that impossible, from
“ the gates being shut, they kept up a continual dis-
“ charge of stones and bricks till about ten ; when,
“ finding their situation desperate, they retired into the
“ Rung Mohul, and forced their way from thence in-
“ to the palace, and dispersed themselves about the
“ house and garden ; after this they were desirous of
“ getting into the Begum's apartment, but she being
“ apprized of their intention, ordered her doors to be
“ shut. In the mean time, Letafut and Hossimund
“ Ally Cawn posted sentries to secure the gates of
“ the lesser Mihal. During the whole of this conflict,
“ all the ladies and women remained exposed to the
“ view of the Sepoys. The Begum then sent for Le-

“ tafut

“ Letafut and Hushmund Ally Cawn, whom she severally
“ reprimanded, and insisted upon knowing the causes of
“ this infamous behaviour. They pleaded in their de-
“ fence the impossibility of helping it, as the treatment
“ the women had met with had been conformable to
“ his Excellency the Vizier's orders. The Begum al-
“ ledged, that even admitting that the Nabob had given
“ those orders, they were by no means authorized in
“ this manner to disgrace the family of Shuja Dowla;
“ and should they not receive their allowance for a day
“ or two, it could be of no great moment: what was
“ passed was now at an end, but that the Vizier should
“ certainly be acquainted with the whole of the affair,
“ and that whatever he desired she should implicitly
“ comply with. The Begum then sent for five of the
“ children who were wounded in the affray of last
“ night, and after endeavouring to sooth them, she
“ sent again for Letafut and Hushmund Ally Cawn,
“ and in the presence of the children, expressed her dis-
“ approbation of their conduct, and the improbability
“ of Asuf ul Dowla's suffering the Ladies and Children
“ of Shuja Dowla to be disgraced by being exposed to
“ the view of the rabble. Upon which Letafut pro-
“ duced the letter from the Nabob, at the same time
“ representing that he was amenable only to the orders
“ of his Excellency, and that whatever he ordered it
“ was his duty to obey; and that had the ladies thought
“ proper to have retired into their apartments quietly,
“ he would not have used the means he had taken to
“ compel them. The Begum again observed, that
“ what had happened was now over. She then gave
“ the children 400 Rupees, and dismissed them, and
“ sent word by Jumrud and the other eunuchs,
“ that if the ladies would peaceably retire to their ap-
“ partments, Letafut would supply them with 3 or
“ 4,000 Rupees, for their personal expences, and re-
“ commended to them not to incur any further dis-
“ grace, and that if they did not think proper to act
“ agreeable to her directions, they would do wrong.

“ The ladies followed her advice, and about ten at
 “ night went back into the Zenanah. The next morn-
 “ ing the Begum waited upon the mother of Shuja
 “ Dowla and related to her all the circumstances
 “ of the disturbances. The mother of Shuja Dowla
 “ returned for answer, that after there being no
 “ accounts kept of crores of revenues, she was not sur-
 “ prized that the family of Shuja Dowla, in their en-
 “ deavours to procure a subsistence, should be obliged
 “ to expose themselves to the meanest of the people,
 “ After bewailing their misfortunes, and shedding ma-
 “ ny tears, the Begum took her leave and returned
 “ home.”

That the said affecting narrative, being sent, with
 others of the same nature, on the 29th of January
 1784, to the said Warren Hastings, he did not order any
 relief in consequence thereof, or take any sort of notice
 whatsoever of the said intelligence.

LXII.

That the Court of Directors did express strong
 doubts of the propriety of seizing the estates aforesaid,
 and did declare to him the said Hastings, “ that the
 “ only consolation they felt on the occasion is, that
 “ the amount of those Jaghires *for which the company*
 “ *were guarantees*, is to be paid *through our resident at*
 “ *the court of the Vizier*; and it very materially concerns
 “ the credit of your Governor, on no account to *suffer*
 “ *such payments to be evaded.*” But the said Warren
 Hastings did never make the arrangement supposed in
 the said letter to be actually made, nor did he cause the
 resident to pay them the amount of their Jaghires, or to
 make any payment to them.

And the said Hastings being expressly ordered by
 the Court of Directors to restore to them their estates,
 in case the charges made upon them should not be
 found true, he, the said Hastings, did contumaciously
 and cruelly decline any compliance with the said or-
 ders

ders, until his journey to Lucknow, in

when he did, as he says, "conformably to
 " the orders of the Court of Directors, and more to
 " the inclination of the Nabob Vizier, restore to them
 " their Jaghires, but with the defalcation, according
 " to his own account, of a *large portion* of their re-
 " spective shares;" pretending, without the least pro-
 " bability, that the said defalcation was a "voluntary
 " concession on their part." But what he has left to
 them for their support, or in what proportion to that
 which he has taken away, he has *no* where stated to
 the Court of Directors, whose faith he has broken,
 and whose orders he has thus eluded, whilst he pretend-
 ed to yield *some* obedience to them.

LXIII.

That the said Warren Hastings having made a ma-
 licious, loose, and ill supported charge, backed by
 certain unsatisfactory affidavits, as a ground for his
 seizing on the Jaghires and the treasures of the Vizier's
 mother, solemnly guaranteed to them; the Court of
 Directors did, in their letter of the 14th of February
 1783, express themselves as follows concerning that
 measure;—"which the Governor General (he the said
 " Warren Hastings) in his letter to your Board the
 " 23d of January 1782, has declared *he strenuously en-*
 " *couraged and supported*; we hope and trust for the
 " honour of the British nation, that the measure
 " appeared fully justified in the eyes of all Hindos-
 " tan. The Governor General has informed us, that
 " it can be well attested that the Begums (the mother
 " and grandmother of the Nabob aforesaid) *principally*
 " excited and supported the late commotions; and
 " that they carried their inveteracy to the English na-
 " tion so far, *as to aim at our utter extirpation.*"—And
 the Court of Directors did further declare as follows:
 " That it no where appears from the papers at present
 " in

“ in our possession, that they (the mother and grand-
 “ mother of the Nabob of Oude) excited any com-
 “ motions previous to the imprisonment of Rajah
 “ Cheit Sing, and only armed themselves in conse-
 “ quence of that transaction; and it is probable,
 “ that such a conduct proceeded from motives of self-
 “ defence, under an apprehension that they themselves
 “ might likewise be laid under unwarrantable con-
 “ tributions.”—And the said Court of Directors, in
 giving their orders for the restoration of the Jaghires,
 or for the payment of an equivalent through the Resi-
 dent, did give the order for the restoration of their es-
 tates as aforesaid, on condition that it should appear
 from enquiry, that they were not guilty of the prac-
 tices charged upon them by the said Hastings. Mr.
 Stables, one of the Council General, did, in execu-
 tion of the said conditional order, propose an enquiry,
 leading to the ascertainment of the condition, and did
 enter a minute as follows: “ That the Court of Di-
 “ rectors, by their letters of the 14th of February
 “ 1783, seem not to be satisfied that the disaffection of
 “ the Begums to this government is sufficiently proved
 “ by the evidence before them; I therefore think, that
 “ the late and present Resident, and commanding officer
 “ in the Vizier’s country at the time, should be called
 “ on to collect what further information they can on
 “ this subject, in which the honour and dignity of this
 “ Government is so *materially concerned*; and that such
 “ information may be transmitted to the Court of Di-
 “ rectors.” And he did further propose heads and
 modes of enquiry, suitable to the doubts expressed by
 the Court of Directors. But the said Warren Hastings,
 who ought long before, on principles of natural jus-
 tice, to have instituted a diligent enquiry in support of
 his so improbable a charge, and was bound, even for
 his own honour, as well as for the satisfaction of the
 Court of Directors, to take a strong part in the said en-
 quiry, did set himself in opposition to the same, and did

did carry with him a majority of Council against the said enquiry into the justice of the cause, or any proposition for the relief of the sufferers, asserting, "that the reasons of the Court of Directors, if transmitted with the orders for the enquiry, will prove ineffective an order for collecting evidence *to the justification and acquittal of the Begums, and not for the investigation of the truth of the charges which have been preferred against them.*" That Mr. Stables did not propose, (as in the said Hastings's minute is groundlessly supposed) that the reasons of the Court of Directors should be transmitted with the orders for an enquiry. But the apprehension of the said Warren Hastings, of the probable result of the enquiry proposed, did strongly indicate his sense of his own guilt, and the innocence of the parties accused by him; and if, by his construction, Mr. Stables's minute did indicate an enquiry merely for the justification of the parties by him accused, (which construction the motion did not bear) it was no more than what the obvious rules of justice would well support; as his own proceedings against them had been *ex parte*; he having employed Sir Elijah Impey to take affidavits against the women of high rank aforesaid, not only without any enquiry made on their part, but without any communication to them, of his practice and proceeding; and equity did at least require that they, with his own knowledge, and by the subordinates of his own government, should be allowed a public enquiry to acquit themselves of the heavy offences with which they had been by him clandestinely charged.

LXIV.

That he the said Hastings, in order to effectually stifle the said enquiry, did enter on record a further minute, asserting, that the said enquiry would be productive "of evils greater than any which exist in the consequences
" which

“ which have already taken place, *and which time has*
 “ *almost obliterated;*” as also the following—“ If I am
 “ rightly informed, the Nabob Vizier, and the Begums
 “ are on terms of mutual good-will. It would ill be-
 “ come this government to interpose its influence, by
 “ any act which might tend to revive their animosities,
 “ and a very slight occasion would be sufficient to ef-
 “ fect it. They will instantly take fire on such a
 “ declaration, proclaim the judgment of the Company
 “ in their favour, demand a reparation of the acts,
 “ which they would construe wrongs, with such a sen-
 “ tence warranting that construction, and either accept
 “ the invitation, to the proclaimed scandal of the Na-
 “ bob Vizier, which *will not add to the credit of our go-*
 “ *vernment;* or remain in his dominions, but not un-
 “ der his authority, to add to his vexations, and the
 “ disorders of the country, by continual intrigues and
 “ seditions. Enough already exists to affect his peace
 “ and the quiet of his people. If we cannot heal, let
 “ us not inflame the wounds *which have been inflicted.*—If
 “ the Begums think themselves aggrieved to such a degree
 “ as to justify them in an *appeal to a foreign jurisdiction;*
 “ to appeal to it against a man standing in the relation
 “ of son and grandson to them; *to appeal to the justice*
 “ *of those who have been the abettors and instruments of*
 “ *their imputed wrongs;* let us at least permit them to
 “ be the judges of their own feeling, and prefer their
 “ complaints, before we offer to redress them. They
 “ will not need to be prompted. I hope I shall not
 “ depart from the simplicity of official language, in
 “ saying, the majesty of justice ought to be approached
 “ with solicitation, not descend to provoke or invite it,
 “ much less to debase itself by the suggestion of wrongs,
 “ and the promise of redress, with the denunciation of
 “ punishments before trial, and even before accusa-
 “ tion.”

LXV.

That the said Warren Hastings, in attempting to pass an act of indemnity for his own crimes, and of oblivion for the sufferings of others, supposing the latter *almost obliterated* by time,—did not only mock and insult over the sufferings of the allies of the company, but did shew an indecent contempt of the understandings of the Court of Directors; because his violent attempts on the property and liberty of the mother and grandmother of the ally aforesaid, had not had their first commencement much above two years before that time; and had been continued, without abatement or relaxation on his part, to the very day of his minute: The Nabob having, by the instigation of his the said Hastings's instrument Hyder Beg Khan, not two months before the date of the consultation, been obliged a second time to break his faith with relation to the estates of his mother, in the manner herein before recited. And the said Hastings did not, and could not conceive that the clearing the mother could revive any animosity between her and her son, by whom she never had been accused. The said Hastings was also sensible, that the restoration of her landed estates, recommended by the Court of Directors, could not produce any ill effect on the mind of the said son, as it was “with almost unconquerable reluctance he had been persuaded to deprive her of them.” And at the time of his submitting to become an instrument in this injustice, did “declare” both to the Resident and his Ministers, “that it was an act of compulsion.”

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LXVI. That

LXVI.

That the said Hastings further, by insinuating that the women in question would act amiss in appealing to a *foreign jurisdiction* against a son and a grandson, could not forget that he himself, being that foreign jurisdiction (if any jurisdiction there was) did himself direct and order the injuries; did himself urge the calumnies; and did himself cause to be taken and produced the unsatisfactory evidence, by which the women in question had suffered; and that it was against him the said Hastings, and not against their son, that they had reason to appeal. But the truth is, that the enquiry was moved for by Mr. Stables, not on the prayer or appeal of the sufferers, but upon the ill impression which the said Hastings's own conduct, merely and solely on his own state of it, and on his own evidence in support of it, had made on the Court of Directors, who were his lawful masters, and not suitors in his Court. And is arrogating to himself and his colleagues to be a tribunal, and a tribunal, not for the purpose of doing justice, but of refusing enquiry, (particularly as the due obedience to the Company's orders was eluded on the insolent pretence, "That the majesty of justice ought to be approached with solicitation, and that it would debase itself by the suggestion of wrongs and the promise of redress,") is an high offence in a Governor, whose business it is of himself and unsolicited, not only to promise, but to afford redress to all those who should suffer under the power of the Company, even if their ignorance, or want of protection, or the imbecility of their sex, or the fear of irritating persons in rank and station, should prevent them from seeking it by formal solicitation.

LXVII. That

LXVII.

That the said Warren Hastings, at the time when he pretended ignorance of all solicitation for justice on the part of the women aforesaid, and on that pretence did refuse the enquiry moved by his colleague Mr. Stables, had in all probability received from the Resident Middleton, or if he had made the slightest enquiry from the said Middleton, then at Calcutta, might immediately receive an account, that *they did actually solicit* the said Resident, through Major Gilpin, for redress against his the said Hastings's calumnious accusation, and the false testimony by which it was supported; and did send the said complaint to the Resident Middleton, by the said Gilpin, to be transmitted to him the said Hastings and the Council, so early as the 19th of October 1782; and that the mother of the Nabob, did afterwards send the same to the Resident Bristow, asserting her innocence, and accompanying the same with the copies of letters (the originals of which she asserted were in her hands) from the chief witnesses against her, Hannay and Gordon, which letters did directly overturn the charges or insinuations in the affidavits made by them; and that instead of any accusation of an attempt upon them and their parties, by the instigation of the said mother of the Nabob, or by her ministers, they the said Hannay and Gordon did attribute their preservation to her and to her services; and did, with strong expressions of gratitude, both to the said mother of the Nabob, and to her ministers, fully acknowledge the same. Which remonstrance of the mother of the Nabob, and the letters of the said Hannay and Gordon are annexed to this charge; and the said Hastings is highly criminal for not having examined into the facts alledged in the said remonstrance.

LXVIII.

That the violent proceedings of the said Warren Hastings did tend to impress all the neighbouring Princes, some of whom were allied in blood to the oppressed women of rank aforesaid, with an ill opinion of the faith, honour, and decency of the British nation; and accordingly, on the journey, made by the Nabob from Lucknow to Fyzabad, in which the said Nabob did restore, in the manner before-mentioned, the confiscated estates of his mother and grandmother, and did afterwards revoke his said grant, it appears that the said journey did cause a general alarm (the worst motives obtaining the most easy credit with regard to any future proceeding, on account of the foregone acts) and excited great indignation among the ruling persons of the adjacent country; insomuch that Major Brown, agent to the said Warren Hastings at the Court of the King Shau Allum at Delhi, did write a remonstrance therein to Mr. Bristow, Resident at Oude, as follows:—"The evening of the 7th, at a conference I had
" with Mirza Shuffee Cawn, he introduced a subject
" respecting the Nabob Vizier, which, however it may
" be disagreeable for you to know, and consequently
" for me to communicate, I am under a necessity of
" laying before you. He told me he had received information from Lucknow, that, by the advice of Hyder Beg Cawn, the Vizier had determined to bring
" his grandmother, the widow of Sufdar Jung, from
" Fyzabad to Lucknow, with a view of getting a further sum of money from her, by seizing on her eunuchs, digging up the apartments of her house at
" Fyzabad, and putting her own person under restraint.
" This, he said, he knew, was not an act of our government, but the mere advice of Hyder Beg Cawn, to
" which the Vizier had been induced to attend. He
" added,

“ added, that the old Begum had resolved rather to put
“ herself to death than to submit to the disgrace intend-
“ ed to be put upon her; that if such a circumstance
“ should happen, there is *not a man of Hindostan who*
“ *will attribute the act to the Vizier [Nabob of Oude] but*
“ *every one will fix the odium on the English, who might*
“ *easily, by the influence they so largely exercise in their own*
“ *concerns there, have prevented such unnatural conduct*
“ in the Vizier. He therefore called upon me, as the
“ English representative in this quarter, to inform you
“ of this, that you may prevent a step, *which will de-*
“ *stroy all confidence in the English nation throughout*
“ *Hindostan*, and excite the bitterest resentment in all
“ those, who by blood are connected with the house of
“ Sufdar Jung.” He concluded by saying, “ that if
“ the Vizier so little regarded his family and personal
“ honour, or his natural duty, as to wish to disgrace
“ his father’s mother for a sum of money, let him
“ plunder her of all she has, but let him send her safe
“ up to Delhi, or Agra, and, poor as I am, I will fur-
“ nish subsistence for her, which she shall possess with
“ safety and honour, though it cannot be adequate to
“ her rank.—This, Sir, is a most exact detail of the
“ conversation (as far as related to that affair) on the
“ part of Mirza Shuffee Cawn. On my part I could
“ only say, that I imagined the affair was misrep-
“ sented, and that I should write as he requested. Let
“ me therefore request that you will enable me to an-
“ swer, in a more effectual manner, any further ques-
“ tions on this subject.

P. S. “ As Mirza Shuffee’s grandfather was brother
“ to Sufdar Jung, there can be no doubt of what his
“ declaration means, and if this measure of dismissing
“ the old Begum, should be persisted in, I should not,
“ from the state of affairs and the character of the
“ Amir ul Omrah, be surprized at some immediate
“ and violent resolution being adopted by him.”

LXIX.

That Mirza Shuffee, mentioned in this correspondence (who has since been murdered) was of near kindred to the lady in question (grandmother to the Nabob) was resident in a province immediately adjoining to the province of Oude, and from proximity of situation and nearness of connection, was likely to have any intelligence concerning his female relations from the best authority.

LXX.

That the Resident Bristow, on receiving this letter, did apply to the said Hyder Beg Cawn for an explanation of the Nabob's intentions, who denied that the Nabob intended more than a visit of duty and ceremony; which, whatever his dispositions might have been, and probably were, towards his own mother, was not altogether probable; as it was well known that he was on very bad terms with the mother of his father; and it appears, that intentions of a similar nature had been before manifested, even with regard to his *own* mother; and therefore obtained the more easy credit concerning the other woman of high rank aforesaid; especially as the evil designs of the said Hyder Beg were abundantly known; and that the said Hastings, upon whom he did wholly depend, continued to recommend "the most effectual," that is, the most violent means for the recovery of the small remains of his extorted demand. But although it does not appear that the Resident did give credit to the said report, yet the effect of the same on the minds of the neighbouring Princes, did make it proper and necessary to direct a strict enquiry into the same, which was not done;
and

and it does not appear that any further enquiry was made into the true motives for this projected journey to Fyzabad, nor into the proceedings of Hyder Beg Khân, although the said Warren Hastings well knew, that all the acts of the Nabob and his principal ministers, were constantly attributed to him; and that it was known that secret agents, as well as the Company's regular agent, were employed by him at Lucknow and other places.

LXXI.

That the said Hastings, who did, on pretence of the majesty of justice, refuse to enquire into the charges made upon the female parents of the Nabob of Oude, in justification of the violence offered to them, did voluntarily and of his own accord make himself an accuser of the Resident Middleton, for the want of a literal execution of his orders, with regard to the plans of extortion and rapine aforesaid, the criminal nature, spirit, and tendency of the said proceedings, for the defective execution of which he brought the said charge, appearing in the defence or apology made by Mr. Middleton the Resident, for his temporary and short forbearances.

“ It could not, I flatter myself, be termed a long
 “ or unwarrantable delay, when the importance of
 “ the business, and the peculiar embarrassments attending the prosecution of it to its desired end, are considered. The Nabob was *son* to the Begum, whom
 “ we were to proceed against; a son against a mother
 “ must at least *save appearances in his mode of proceeding*.—The produce of his negotiation was to be received by the Company. Receiving a benefit, accompanying the Nabob, withdrawing their protection,
 “ on,

“ on, were circumstances sufficient to *mark the English*
 “ *as the principal movers in this business.* At a Court,
 “ where no opportunity is lost to throw odium on us,
 “ so favourable an occasion was not missed to persuade
 “ the Nabob that *we instigated him to dishonour his*
 “ *family for our benefit.* The impressions made by
 “ these suggestions constantly retarded the progress
 “ and more than once actually broke off the business;
 “ which rendered the utmost caution on my part necessary,
 “ especially as I had no assistance to expect from
 “ the ministers, who could not openly move in the business.
 “ In the East, it is well known, that no man,
 “ either by himself or his troops, can enter the walls
 “ of a Zenana, scarcely in the case of acting against
 “ an open enemy, much less of *an ally;—an ally acting*
 “ *against his own mother.* The outer walls, and the Begum’s agents, were all that were liable to immediate
 “ attack; they were dealt with, and successfully, as the
 “ event proved.”—He had before observed to Mr. Hastings, in his correspondence, what Mr. Hastings well knew to be true, “ that no farther rigour than
 “ that he had exerted, could be used against females
 “ in that country; where force could be employed, it
 “ was not spared.—That the place of concealment was
 “ only known to the chief eunuchs, who could not be
 “ drawn out of the women’s apartments, where they
 “ had taken refuge, and from which, if an attempt
 “ had been made to storm them, they might escape;
 “ and the secret of the money being known only to
 “ them, it was necessary to get their persons into his
 “ hands, which could be obtained by negotiation only.”
 —The Resident concluded his defence by declaring his
 “ hope, that if the main object of his orders was fulfilled,
 “ he should be no longer held criminal for a
 “ deviation from the precise letter of them.”

ARTICLE IV.

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LXXII.

That the said Warren Hastings did enter a reply to this answer, in support of his criminal charge, continuing to insist, " That his orders ought to have been literally " obeyed," although he did not deny that the above difficulties occurred, and the above consequences must have been the result; and though the reports of the military officers, charged with the execution of his commission, confirmed the moral impossibility, as well as inutility in point of profit, of forcing a son to greater violence and rigour against his mother.

LXXIII.

That the said Hastings, after all the acts aforesaid, did presume to declare on record, in his minute of the 23d September 1783, " That whatever may happen of the " events which he dreads in the train of affairs now " subsisting, he shall at least receive this consolation " under them, that he used his utmost exertions to prevent them; and that in the annals of the nations of " India which have been subjected to the British dominions, HE *shall not be remembered among their oppressors.*" And, speaking of certain alledged indignities offered to the Nabob of Oude, and certain alledged suspicions of his authority, with regard to the management of his household, he the said Hastings did, in the said minute, endeavour to excite the spirit of the British nation, severely animadverting on such offences, making use of the following terms: " If there be a

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" spark

" spark of generous virtue in the breasts of any of my
" countrymen, who shall be the readers of this compila-
" tion, this letter [a letter of complaint from the Na-
" bob] shall stand for an instrument to awaken it to
" the call of vengeance against so flagitious an abuse
" of authority, and reproach to the British name."

From

*From her Excellency the Bhow Begum, to Mr. Bristow,
Resident at the Vizier's Court.*

THERE is no necessity to write to you by way of information. A detail of my sufferings from common report, and the intelligence of those who are about you, the account of them will have reached your ears: I will here relate a part of them.

After the death of Sujah Dowla, most of his ungrateful servants were constantly labouring to gratify their enmity; but finding, from the firm and sincere friendship which subsisted between me and the English, that the accomplishment of their purposes was frustrated, they formed the design of occasioning a breach in that alliance, to insure their own success. I must acquaint you, that my son Asuf ul Dowla had formerly threatened to seize my Jaghire; but upon producing the treaty signed by you, and shewing it to Mr. Middleton, he interfered, and prevented the impending evil.—The conspiracy now framed an accusation against me, of a conduct which I never had conceived even in idea, of rendering assistance to Rajah Cheit Sing. The particulars are as follow:—My son Asuf ul Dowla and his Ministers, with troops and a train of artillery, accompanied by Mr. Middleton, on the 16th of the month of Mohurum, arrived at Fyzabad, and made a demand of a crore of rupees. As my inability to pay so vast a sum was manifest, I produced the treaty you signed and gave me; but to no effect, their hearts were determined upon violence. I offered my son Asuf ul Dowla, whose will is dearer to me than all my riches, or even life itself, whatever money and goods I was

possessed of; but an amicable adjustment seemed not worth accepting; he demanded the delivering up the fort, and the recall of the troops that were stationed for the preserving the peace of the city. To me, tumult and discord appeared unnecessary. I gave up these points, upon which they seized my head eunuchs, Jewar Ally Cawn and Behar Ally Cawn, and sent them to Mr. Middleton, after having obliged them to sign a bond for sixty lacks of rupees: They were thrown into prison with fetters about their feet, and denied food and water. I, who had never, even in my dreams, experienced such an oppression, gave up all I had, to preserve my honour and dignity: But this would not satisfy their demands; they charged me with a rupee and a half batta upon each Mohur, and on this account laid claims upon me to the amount of six lacks some thousand rupees, and sent Major Gilpin to exact the payment. Major Gilpin, according to orders, at first was importunate; but being a man of experience, and of a benevolent disposition, when he was convinced of my want of means, he changed his conduct, and was willing to apply to the Shroffs and Bankers to lend me the money. But with the loss of my Jaghires, my credit was sunk, I could not raise the sum; at last, feeling my helpless situation, I collected my wardrobe and furniture, to the amount of about three lacks of rupees, besides fifty thousand rupees which I borrowed from one place or other, and sent Major Gilpin with it to Lucknow. My sufferings did not terminate here. The disturbances of Colonel Hannay and Mr. Gordon were made a pretence for seizing my Jaghire. The state of the matter is this: When Colonel Hannay was by Mr. Hastings ordered to march to Benares during the troubles of Cheit Sing, the Colonel, *who had plundered the whole country, was incapable of proceeding, from the union of thousands of Zemindars, who had seized this favourable opportunity*; they harrassed Mr. Gordon near Junivard, and the Zemindars of that place and Acberpore opposed his march from thence, till he arrived near Sanda. As the Sanda Nutta, from its overflowing, was

was difficult to cross without a boat, Mr. Gordon sent to the Fouzdar to supply him: He replied, the boats were all in the river, but would, according to orders, assist him as soon as possible. Mr. Gordon's situation would not admit of his waiting; he forded the Nutta upon his Elephant, and was hospitably entertained and protected by the Fouzdar for six days. In the mean time a letter was received by me from Colonel Hannay, desiring me to escort Mr. Gordon to Fyzabad. As my friendship for the English was always sincere, I readily complied, and sent some companies of Nejees to escort Mr. Gordon, and all his effects, to Fyzabad; where having provided for his entertainment, I effected his junction with Colonel Hannay. The letters of thanks I received from both these gentlemen, upon this occasion, are still in my possession; copies of which I gave in charge to Major Gilpin, to be delivered to Mr. Middleton, that he might forward them to the Governor General. To be brief, those who have loaded me with accusations, are now clearly convicted of falsehood. But is it not extraordinary, that notwithstanding the justness of my cause, that nobody relieves my misfortunes? Why did Major Gilpin return without effect?

My prayers have been constantly offered to heaven for your arrival; report has announced it; for which reason I have taken up the pen, and request you will not place implicit confidence in my accusers, but, weighing in the scale of justice their falsehoods and my representations, you will exert your influence in putting a period to the misfortunes with which I am overwhelmed.

*Copy of a letter from Colonel Hannay to Jewar Ally Cawn
and Bahar Ally Cawn.*

I had the pleasure to receive your friendly letter, fraught with benevolence; and whatever favours you, my friends, have been pleased to confer respecting Mr. Gordon, afforded me the greatest pleasure.

Placing a firm reliance on your friendship, I am in expectation that the aforesaid gentleman, with his baggage, will arrive at Fyzabad in safety, that the same may oblige and afford satisfaction to me.

A letter from Mr. Gordon is inclosed to you—I am in expectation of its being inclosed in a cover to the Aumil of Saunda, to the end that the Aumil may forward it to the above-mentioned gentleman, and procure his reply. Whenever the answer arrives, let it be delivered to Hoolas Roy, who will forward it to me.

Always rejoice me by a few lines respecting your health (continue to honour me with your correspondence.)

Copy

*Copy of a letter from Colonel Hannay to Jewar and Babar
Ally Cawn.*

Cawn Saib, my indulgent friends, remain under the protection of God.

Your friendly letter, fraught with kindness, accompanied by an honorary letter from the Begum Saib, of exalted dignity, and enclosing a letter from Mr. Gordon, sent through your Hircarabs, obliged and rejoiced me.

With respect to what you communicate regarding your not having received an answer to your friendly epistle, I became perfectly astonished, as a reply was written from Mohadree; it may be owing to the danger of the road that it never arrived; not to the smallest neglect on my side (or of mine.)

I now send two letters to you; one by the Dawk people, and the second by one of my Hircarabs (who will present them to you) which you certainly will receive.

I am extremely well contented and pleased with the friendship you have shewn.

You wrote me, to remain perfectly easy concerning Mr. Gordon.—Verily, from the kindness of you, my indulgent friends, my heart is quite easy. You also observed and mentioned, that as Mr. Gordon's coming with those attached to him (probably his sepoy and others) might be attended with difficulty, if I approved, he should be invited alone to Fyzabad.—My friends,

friends, I place my expectation entirely upon your friendships, and leave it to you to adopt the manner in which the said gentleman may arrive in security, without molestation at Fyzabad; but at the same time, let the plan be so managed that it may not come to the knowledge of any Zemindars; in this case, you are men of discernment. However, he is to come to Fyzabad; extend your assistance and endeavours.

It is probable that the Begum Saib, of high dignity, has received authentic intelligence from the camp at Benares. Favour me with the contents or purport.

From Mr. Gordon's letter, I understand that Mirza Imaum Baksh, whom you dispatched thither (Saunda) has, and still continues to pay, great attention to that gentleman; which affords me great pleasure.

An answer to the Begum's letter is to be presented. I also send a letter for Mr. Gordon, which please to forward.

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An address from Colonel Hannay to the Begum.

Begum Saib, of exalted dignity and generosity, &c.
whom God preserve.

Your exalting letter, fraught with grace and benevolence, that through your unbounded generosity and goodness was sent through grace and favour, I had the honour to receive in a fortunate moment; and whatever you were pleased to write respecting Mr. Gordon, "that at this time the short-sighted and deluded ryots had carried their disturbances and ravages beyond all bounds, Mr. Gordon's coming with his whole people (or adherents) might be attended with difficulty; and therefore, if I chose, he should be invited to come alone." Now, as your highness is the best judge, your faithful servant reposeth his most unbounded hopes and expectation upon your highness, that the aforesaid Mr. Gordon may arrive at Fyzabad without any apprehension or danger. I shall be then extremely honoured and obliged.

Considering me in the light of a firm and faithful servant, continue to honour and exalt me by your letters.

What further can I say?

A copy of an address from Mr. Gordon to the Begum.

Begum Saib, of exalted dignity and generosity, whom God preserve.

After presenting the usual professions of servitude, &c. in the customary manner, my address is presented.

Your gracious letter, in answer to the petition of your servant from Goondah, exalted me. From the contents, I became unspeakably impressed with the honour it conferred. May the Almighty protect that royal purity, and bestow happiness, increase of wealth, and prosperity.

The welfare of your servant is entirely owing to your favour and benevolence. A few days have elapsed since I arrived at Goondah with the Colonel Saib.

This is presented for your highness's information. I cherish hopes from your generosity, that considering me in the light of one of your servants, always continue to exalt and honour me with your gracious letters.

May the sun of prosperity continually shine,

Copy

*Copy of a letter to Mabumed Jewar Ally Cawn and Babar
Ally Cawn, from Mr. Gordon.*

Sirs, my indulgent friends,

Remain under, &c. &c.

After compliments. I have the pleasure to acquaint you, that yesterday, having taken leave of you, I passed the night at Noorgunge, and next morning about ten or eleven o'clock, through your favour and benevolence, arrived safe at Goondah. Mur Aboo Buksh Zemindar, and Mur Rustum Ally, accompanied me.

To what extent can I prolong the praises of you, my beneficent friends? May the supreme being, for this benign, compassionate, humane action, have you in his keeping, and increase your prosperity, and speedily grant me the pleasure of an interview. Until which time continue to favour me with friendly letters, and oblige me by any commands in my power to execute.

May your wishes be ever crowned with success!

My compliments, &c. &c. &c.

Copy

*Copy of a letter from Colonel Hannay to Jewar Ally Cawn
and Bahar Ally Cawn.*

Cawn Saib, my indulgent friends;

Remain under the protection of the Supreme Being.

After compliments and signifying my earnest desire of an interview, I address you.

Your friendly letter, fraught with kindness, I had the pleasure to receive in a propitious hour, and your inexpressible kindness in sending for Mur Naffar Ally with a force to Taunda for the purpose of conducting Mr. Gordon with all his baggage, who is now arrived at Fyzabad.

This event has afforded me the most excessive pleasure and satisfaction. May the Omnipotence preserve you, my steadfast firm friends. The pen of friendship itself cannot sufficiently express your generosity and benevolence, and that of the Begum of high dignity, who so graciously has interested herself in this matter. Inclosed is an address for her, which please to forward. I hope from your friendship, until we meet, you will continue to honour me with an account of your health and welfare. What further can I write?

No. V.

Revolutions in Farruckabad.

I.

THAT a Prince called Ahmed Khan, was of a family amongst the most distinguished in Hindostan; and of a nation famous through that empire for its valour in acquiring, and its policy and prudence in well governing the territories it had acquired, called the Patans or Afghans, of which the Rohillas were a branch. The said Ahmed Khan had fixed his residence in the city of Farruckabad; and in the first wars of this nation in India, the said Ahmed Khan attached himself to the Company, against Sujah Dowlah, then an enemy, now a dependant on that Company. Ahmed Khan, towards the close of his life, was dispossessed of a large part of his dominions, by the prevalence of the Mahratta power; but his son, a minor, succeeded to his pretensions, and to the remainder of his dominions. The Mahrattas were expelled by Sujah ul Dowlah, the late Vizier; who, finding a want of the services of the son and successor of Ahmed Khan, called Muzuffer Jung, did not only guarantee him in the possession of what he then actually held, but engaged to restore all the other territories which had been occupied by the Mahrattas; and this was confirmed by repeated treaties and solemn oaths, by the late Vizier, and by the present; but neither the late nor the present Vizier fulfilled their engagements, or observed their oaths; the former having withheld what he had stipulated to restore; and the latter, not only subjecting him to a tribute, instead of restoring him to what his father had unjustly withheld, but having made a farther invasion, by depriving him of fifteen of his districts, levying the tribute of the whole on the little that remained, and putting the small remains of his territory under a sequestrator or collector

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appointed

appointed by Almas Ali Khan, who did grievously afflict and oppress the prince and territory aforesaid.

II.

THAT the hardships of his case being frequently represented to Warren Hastings, Esq. he did suggest a doubt, whether "That little ought to be still subject to tribute," indicating, that the said tribute might be hard and inequitable; but whatever its justice might have been, that "from the *earliest period* of our connection with the present Nabob of Oude, it had invariably continued a part of the funds assigned by his Excellency as a provision for the liquidation of the several public demands of *this government* (Calcutta) upon him; and in consequence of the powers the Board deemed it expedient to vest in the Resident at his Court, for the collection of the Company's assignments, a Sezawall [a Sequestrator] has always been stationed to enforce, by every means in his power, the payment of the tribute." And the said tribute was, in consequence of this arrangement, not paid to the Nabob, but to the British Resident at Oude; and the same being therefore under the direction, and for the sole use of the Company, and, indeed, the Prince himself wholly dependant on them, the representatives of the said Company were responsible for the protection of the Prince, and for the good government of the country.

III.

THAT the said Warren Hastings did, on the 22d of May 1780, represent to the Board of Calcutta the condition of the said country in the following manner:

"The total want of all order, regularity, or authority in his government (the Farruckabad government) to which, among *other obvious causes*, it may, no doubt, be owing, that the country of Farruckabad is become *an almost entire waste, without cultivation or inhabitants*; that the capital, which, but a very short time ago, was distinguished as one of the most *populous and opulent* commercial cities in
" Hin-

“ Hindostan, at present exhibits nothing *but* scenes
 “ of the most wretched poverty, desolation, and mi-
 “ sery; and that the Nabob himself, though in pos-
 “ session of a tract of country, which, with only com-
 “ mon care, is notoriously capable of yielding an an-
 “ nual revenue of between thirty and forty lacks
 “ (three or four hundred thousand pounds) with *no*
 “ *military establishment to maintain, scarcely commanding*
 “ *the means of bare subsistence.*” And the said Warren
 Hastings, taking into consideration the said state of the
 country and its Prince, and acknowledging that the
 latter had “ *preferred frequent complaints* (which com-
 “ plaints the said Hastings, to that time, did not lay
 “ before the Board, as his duty required) *of the hard-*
 “ *ships and indignities* to which he is subjected by the
 “ conduct of the Sezawall [Sequestrator] stationed in
 “ the country for the purpose of levying the annual
 “ tribute, which he is bound by treaty to pay to the
 “ Soubah of Oude,” did declare himself “ extremely
 “ desirous, as well from motives *of common justice*, as
 “ *due regard to the rank which that Chief holds among*
 “ *the Princes of Hindostan*, of affording him relief.”
 And he, the said Warren Hastings, as the means of
 the said relief, did, with the consent of the Board, or-
 der the said native Sequestrator to be removed, and an
 English Resident, a servant of the Company, to be ap-
 pointed in his room, declaring, “ he understood a lo-
 “ cal interference to be *indispensably necessary* for reali-
 “ zing the Vizier’s just demands.”

IV.

THAT the said native Sequestrator being with-
 drawn, and a Resident appointed, no complaint what-
 ever, concerning the collection of the revenue, or of
 any indignities offered to the Prince of the country, or
 oppression of his subjects by the said Resident, was
 made to the Superior Council at Calcutta; yet the
 said Warren Hastings did, nevertheless, in a certain
 paper, purporting to be a treaty made at Chunar with
 the Nabob of Oude on the 19th of September 1781, at
 the request of the said Nabob, consent to an article
 therein, “ That no English Resident be appointed to

“ ruckabad, and that the present be recalled;” and the said Warren Hastings, knowing that the Nabob of Oude was ill affected towards the said Nabob of Far-ruckabad, and that he was already supposed to have oppressed him, did justify his conduct on the principles, and in the following words: “ That if the Nabob, Muzuffer Jung, *must* endure oppression, (*and I dare not at this time propose his total relief*) it concerns the reputation of our Government to remove *our participation in it.*” And the said Warren Hastings making, recording, and acting upon the first of the said false and inhuman suppositions, most scandalous to this nation, namely, that Princes paying money wholly for the use of the Company, and directly to its agent, for the maintenance of British troops, by whose force and power the said revenue was in effect collected, must of necessity endure oppression, and that our Government at any time *dare* not propose their *total* relief, was an high offence and misdemeanor in the said Warren Hastings; and the rather, because in the said treaty, as well as before and after, the said Hastings, who pretended not to dare to relieve those oppressed by the Nabob of Oude, did assume a complete authority over the said Nabob himself, and did dare to oppress him.

V.

THAT the second principle, assumed by the said Warren Hastings as a ground for voluntarily abandoning the protection of those whom he had before undertaken to relieve, *on the sole strength of his own authority*, and in full confidence of the lawful foundation thereof, and for delivering over the person so taken into protection, under false names and pretended descriptions, to known oppression; asserting, that the reputation of the Company was saved by removing this apparent participation, when the new, as well as the old arrangements, were truly and substantially acts of the British Government, was disingenuous, deceitful, and used to cover unjustifiable designs; since the said Warren Hastings well knew, that all oppressions exercised by the Nabob of Oude, were solely, and in this instance

instance particularly, upheld by British force, and were imputed to this nation: and because he himself, in not more than three days after the execution of this treaty, and in virtue thereof, directed the British Resident at Oude, in orders, *to which he required his most implicit obedience*, "That the Ministers (the Nabob of Oude's Ministers) are to chuse *all* aumils and collectors of revenue with your concurrence." And the dishonour to the Company, in thus deceitfully concurring in oppression, which they were able, and were bound, to prevent, is much aggravated by the said Warren Hastings's receiving from the person, to whose oppression he had delivered the said Prince, as a private gift or donation, to himself, and for his own use, a sum of money, amounting to one hundred thousand pounds and upwards, which might give just ground of suspicion, that the said gift from the oppressor to the person surrendering the person injured to his mercy, might have had some share in the said criminal transaction.

VI.

THAT the said Warren Hastings did (in the paper justifying the said surrender of the Prince, put by himself under the protection of the East-India Company) assert, "That it was a fact, that the Nabob Muzuffer Jung (the Nabob of Farruckabad) is equally urgent with the Nabob Vizier for the removal of a Resident," without producing, as he ought to have done, any document to prove his improbable assertion; namely, his assertion, that the oppressed Prince did apply to his known enemy and oppressor, the Nabob of Oude, (who, if he would, was not able to relieve him against the will of the English Government) rather than to that English Government which he must have conceived to be more impartial, to which he had made his former complaint, and which was alone able to relieve him.

VII.

THAT the said Warren Hastings, in the said writing, did farther convey an insinuation of an ambiguous

guous, but, on any construction, of a suspicious and dangerous import; viz. "It is a fact, that Mr. Shee's (the Resident's) authority over the territory of Far-ruckabad, is in itself as much subversive of that of *the lawful rulers*, as that of the Vizier's Aumil (Collector) ever was, and *is* the more *oppressive*, as the power from whence it is derived is greater." The said assertion proceeds upon a supposition of the illegality, both of the Nabob's and the Company's government; and all consideration of the *title* to authority being therefore on that supposition put out of the question, and the whole turning only upon the *exercise* of authority, the said Hastings's suggestion, that the oppression of Government must be in proportion to its power, is the result of a false and dangerous principle, and such as it is criminal for any person, entrusted with the lives and fortunes of men, to entertain, much more publicly to profess as a rule of action; as the same hath a direct tendency to make the new and powerful government of this kingdom in India, dreadful to the natives, and odious to the world.

But if the said Warren Hastings did mean thereby indirectly to insinuate, that oppressions had been actually exercised under the British authority, he was bound to inquire into these oppressions, and to animadvert on the person guilty of the same, if proof thereof could be had; and the more, as the authority was given by *himself*, and the person exercising it was by himself also named. And the said Warren Hastings did, on another occasion, assert, that "whether they were well or ill founded, he never had an opportunity to ascertain." But it is not true, that the said Hastings did, or could, want such opportunity; the fact being, that the said Warren Hastings did never cause any inquiry to be made into any supposed abuses during the said residency; but did give a pension of fifteen hundred pounds a year to the said late Resident, on his removal, as a compensation to him for an injury received; and did afterwards promote the Resident, as a faithful servant of the Company, (and nothing appears to shew him otherwise) to a judicial office of high trust,

trust, thereby taking away all credit from any grounds asserted or insinuated by the said Hastings, for delivering the said Nabob of Farruckabad to the hand of a known enemy and oppressor, who had already, contrary to repeated treaties, deprived him of a large part of his territories.

VIII.

THAT on the said Warren Hastings's representation of the transaction aforesaid to the Court of Directors, they did heavily and justly censure the said Warren Hastings for the same; and did convey their censure to him, recommending relief to the suffering Prince, but without any order for sending a new Resident; being, as it may be supposed, prevented from taking that step by the faith of the treaty made at Chunar.

IX.

THAT all the oppressions foreseen by him, the said Warren Hastings, when he made the article aforesaid in the treaty of Chunar, did actually happen; for immediately on the removal of the British Resident, the country of Farruckabad was subjected to the discretion of a certain native manager of revenue, called Almas Ali Khan, who did impoverish and oppress the country and insult the Prince, and did deprive him of all subsistence from his own estates; taking from him even his gardens and the tombs of his ancestors, and the funds for maintaining the same.

X.

THAT on complaint of those proceedings, the said Hastings did, of his own authority, and without communicating with his Council, direct the native collector aforesaid to be removed, and the territory of Farruckabad to be left to the sole management of its natural Prince. But in a short time, the said Hastings, pretending to receive many complaints, purporting, that the tribute to the Nabob remained wholly unpaid; and the agent to the Prince of Farruckabad at the Presidency, afterwards chief manager
to

to the Prince aforesaid, having, as the said Warren Hastings saith, " had the insolence to propagate a
 " report, that the *interference* to which his master
 " owed the power he then enjoyed, was *purchased*,
 " through him," he, the said Hastings, did again,
 (but as before, without the Council) withdraw his
 protection and interference altogether on or about the
 month of August 1782 ; and did signify his resolution,
 through the Resident Middleton, to the Nabob Vizier.
 But the said Hastings asserts, that, " the consequence
 " of this his own second dereliction of the Prince of
 " Farruckabad, was an aggravated *renewal of the*
 " *severities* exercised against his government, and the
 " re-appointment of a Sezawall, with powers dele-
 " gated or assumed, to the *utter extinction* of the rights
 " of Muzuffer Jung, and actually depriving him of
 " *the means of subsistence.*" And the said Hastings
 did receive, on the 16th of February 1783, from the
 Prince aforesaid, a bitter complaint of the same to the
 following tenor :

" The miseries which have fallen upon my country,
 " and the poverty and distress which have been heaped
 " upon me, by the re-appointment of the Sezawall,
 " are such, that a relation of them would, I am
 " convinced, excite the strongest feelings of com-
 " passion in your breast. But it is impossible to relate
 " them : on one side, my country *ruined and unculti-*
 " *vated* to a degree of desolation which exceeds all
 " description ; on the other, my domestic concerns
 " and connections involved in *such a state of distress*
 " *and horror, that even the relations, the children, and*
 " *the wives of my father are starving, in want of daily*
 " *bread, and are on the point of flying voluntary exiles*
 " *from their country, and from each other.*"

XI.

THAT although the said Hastings did, on the 16th
 of February, receive and admit the justice of the said
 complaint, and did not deny the urgent necessity of
 redress, the said letter containing the following sen-
 tence : " If there should be *any delay* in your acceptance
 " of

“ of this proposal, *my existence, and the existence of my family, will become difficult and doubtful;*” and although he did admit the interference to be the more urgently demanded, “ as the services of the English troops “ have been added to enforce the authority of the “ Sezawall;” and although he admits also, that even before that time similar complaints and applications had been made; yet he did withhold the said letter of complaint, a minute of which he asserts he had, at or about that time, prepared for the relief of the sufferer, from the Board of Council, and did not so much as propose any thing relative to the same for seven months after, viz. until the 6th of October 1783; the said letter and minute being, as he asserts, “ *withheld, from causes not necessary to mention, from presentation;*” by which means the said country and Prince did suffer a long continuance of unnecessary hardship; for which the said Hastings confessed it was his duty to relieve them, and that a British Resident was necessary at Farruckabad “ from a sense of “ submission to the *implied* orders of the Court of “ Directors, in their letter of 1783, lately received, “ added to the *conviction I have LONG SINCE* entertained of the necessity of such an appointment, for the “ preservation of our national credit, and the means of “ rescuing an ancient and respectable family from “ ruin.”

XII.

THAT the said Warren Hastings did at length perform what he thought had *long since* been necessary, and in contradiction to his engagements with the Nabob, in the treaty of Chunar, and against his strong remonstrances, urging his humiliation from this measure and the faith of the agreement; and against his own former declaration, that it concerned the reputation of our Government to remove our participation in the oppressions which he, the said Hastings, supposed the Prince of Farruckabad must undergo, did once more recommend to the Council a British Resident at Farruckabad, and the withdrawing the native Sezawall; no course being left to the said Hastings to
Y take,

take, which was not a violation of some engagement, and a contradiction to some principle of justice and policy by him deliberately advanced and entered on record.

XIII.

THAT Mr. Willes being appointed Resident, and having arrived at Farruckabad on the 25th of February 1784, with instructions to inquire minutely into the state of the country and the ruling family, he, the said Resident Willes, in obedience thereto, did fully explain to him the Governor General, the said Warren Hastings, (he being then out of the Company's provinces, at Lucknow, on a delegation which respected this very country, as part of the dependencies of Oude) the situation of the province of Farruckabad; but the said Warren Hastings did not take or recommend any measure whatsoever for the relief thereof, in consequence of the said representation, nor even communicate to the Council General the said representation; and it was not until the 28th of June 1785, that is, sixteen months from the arrival of the Resident at his station, that any thing was laid before the Board relative the regulation or relief of the distressed country aforesaid, and that not from the said Warren Hastings, but from other Members of the Council; which purposed neglect of duty, joined to the preceding wilful delay of seven months in proposing the said relief originally, caused in the whole a delay of the necessary relief for near two years.

XIV.

THAT the said Warren Hastings is farther culpable in not communicating to the Council Board the order which he had, of his own authority, and without any powers from them, given to the said Resident Willes, thereby preventing them from taking such steps as might counteract the ill effects of the said order; which order purported, that the said Willes was not to interfere with the Nabob of Farruckabad's government, for the regulation of which he was in effect appointed to the Residency; declaring as follows: "I
" rely

“ rely much on your moderation and good judgement,
 “ which I hope will enable you to regulate your con-
 “ duct towards the Nabob and his *servants* in such a
 “ manner, that, *without interfering in the executive part*
 “ *of his government*, you may render him essential ser-
 “ vice by *your council and advice.*” And this restriction
 the said Hastings did impose, which totally frustrated
 the purpose of the Resident’s mission, though he well
 knew, and had frequently stated the extreme imbeci-
 lity and weakness of the said Nabob of Farruckabad,
 and his subjection to unworthy *servants*; and particu-
 larly in the minute of consultation, upon which he
 founded the said appointment, he did state the Nabob
 of Farruckabad “ as a weak and inexperienced young
 “ man, who had abandoned himself entirely to the dis-
 “ cretion of his *servants*; and that the restoration of
 “ his independence was followed by a *total* breach of
 “ the engagements he had promised to fulfil, attended
 “ by pointed instances of contumacy and disrespect.”
 And although, in the aforesaid minute, the said Has-
 tings adds, that the principal servant and manager of
 the Nabob, had propagated a report (herein before
 mentioned) that the “ *interference,*” (namely, his the
 said Hastings’s interference) “ to which his master
 “ owed the power he then enjoyed, was *purchased* by
 “ him,” the principal servant aforesaid; yet he, the
 said Hastings, who had assigned on record the character
 of the said Nabob, and the conduct of his servants in
 general, and the aforesaid report of his principal ser-
 vant, so highly dishonourable to him the said Hastings,
 as reasons for taking away the independency of the
 Nabob of Farruckabad, and the subjecting him to
 the oppression of the Nabob of Oude’s officer, Almas
 Ali, did again himself establish the pretended inde-
 pendence of the said Prince of Farruckabad, and the
 real independence of his corrupt and perfidious ser-
 vants, not against the Nabob of Oude, but against a
 British Resident appointed by himself (“ as a charac-
 “ ter eminently qualified for such a charge,”) for the
 correction of those evils, and for rendering the Prince
 aforesaid an useful ally to the Company, and restoring
 his dominions to order and plenty.

XV.

THAT the said Hastings did not only disable the Resident at Farruckabad by his said prohibitory letter, but did render his very remaining at all in that station perfectly precarious by a subsequent letter, rendering him liable to dismissal by the Vizier; thereby altering the tenure of the Resident's office, and changing him from a minister of the Company, dependent on the Governor General and Council, to a dependent upon an unresponsible foreign power; in this also acting without the Council, and by his own usurped authority; and accordingly the said Resident did declare, in his letter of the 24th of April 1785, "that the situation of the country was *more* distressful than when he (the Prince of Farruckabad) addressed himself for relief in 1783, and that he was sorry to say that his appointment at Farruckabad was of no use."

XVI.

THAT though the old tribute could not be paid, owing to famine and other causes, it was increased by a new imposition, making the whole equal to the entire *gross* produce of the revenue; and thereby not leaving "any thing for the subsistence of the Nabob and family." And the uncles of the said Nabob of Farruckabad, the brethren of the late Ahmed Khan, (who had rendered important services to the Company) and their children, did accordingly, in a petition to the Resident, represent, that soon after the succession of Muzuffer Jung "their misery commenced. The jaghires (lands and estates) say they, on which we subsisted, were disallowed. Our distress is great; we have neither clothes nor food. Though we felt hurt at the idea of explaining our situation, yet, could we have found a mode of conveyance, we would have proceeded to Calcutta for redress. The scarcity of grain this season is an additional misfortune. With difficulty we support life. From your presence, without the provinces, we expect relief. It is not the custom of the Company to deprive the zemindars and jaghurdars of the means of subsistence. To your justice we look up."

XVII. THAT

XVII.

THAT this being the situation of the person and family of the Nabob of Farruckabad and his nearest relations, the state of the country and its capital precluded from all relief by the said Warren Hastings, is farther described in the following words by the Resident Willes :

“ Almas Ali has taken the purgunnah of Marara at
“ a very inadequate rent, and his Aumils have seized
“ many adjacent villages : the purgunnahs of Cocut-
“ mow and Souje are constantly *plundered by his people*.
“ The collection of the gauts near Futtu Ghur have
“ been seized by the Vizier's Cutwal, and the zemindars in four purgunnahs are so refractory as to have
“ fortified themselves in their gurries, and to refuse all
“ payments of revenue. This is the state of the purgunnahs ; and Farruckabad, *which was once the seat*
“ *of great opulence and trade, is now daily deserted by its*
“ *inhabitants. Its walls mouldering away ; without police, without protection ; exposed to the depredations of a*
“ *banditti of two or three hundred robbers, who, night*
“ *after night, enter it for plunder, murdering all who oppose them. The ruin that has overtaken this country is*
“ *not to be wondered at, when it is considered that there*
“ *has been no state, no stable government, for many years.*
“ There has been the Nabob's Vizier's authority ; his
“ ministers ; the Residents at Lucknow ; the Seza-
“ walls ; the camp authority ; the Nabob Muzuffer
“ Jung's, and that of twenty dewans or advisers. No
“ authority sufficiently predominant to establish any regulations for the benefit of the country ; whilst each
“ authority has been exerted as opportunity offered for
“ temporary purposes.”

“ Such being the present *deplorable* state of Farruckabad and its districts, in the ensuing year it will
“ be in vain to look for revenue, if some regulations,
“ equal to the exigency, be not adopted. The whole
“ country will be divided between the neighbouring
“ powerful Aumils, the refractory zemindars, and
“ banditti of robbers ; and the Patans, who might be
“ made useful subjects, will fly from the scene of anarchy. The crisis appears now come, that either some
“ plan

“ plan of government should be resolved on, so as to
 “ form faithful subjects on the frontier, or the country
 “ be given up to its fate; and if it be abandoned, there
 “ can be little doubt but that the Mahrattas will gladly
 “ seize on a station so favourable to incursions into the
 “ Vizier’s dominions, will attach to their interests the
 “ Hindoo zemindars, and possess themselves of forts,
 “ which, with little expence, being made formidable,
 “ would give employment perhaps to the whole of our
 “ force, should it ever be necessary to recover them.”

XVIII.

THAT the Council at Calcutta, on the representation aforesaid, made by the Resident at Farruckabad, did propose and record a plan for the better government of the said country, but did delay the execution of the same until the arrangements, made by the said Hastings, with the Nabob Vizier should be known; but the said Hastings, as far as in him lay, did entirely set aside any plan that could be formed for that purpose, upon the basis of a British Resident at Farruckabad, by making an agreement with the said Nabob Vizier, that no British influence should be employed within his dominions; and by having farther engaged to that Prince, not to abandon him to any other mode of relation; and he has informed the Court of Directors, that the territories of the Nabob of Oude will be ruined, if Residents are sent into them; observing, that “ Residents never will be sent for any other purposes than
 “ those of vengeance and corruption.”

XIX.

THAT the said Warren Hastings did declare to the Court of Directors, that, in his opinion, the mode of relief most effectual, and most lenient, with regard to Farruckabad, would be to nominate one of the family of the Prince to superintend his affairs, and to secure the payments; but this plan, which appears to be most connected with the rights of the ruling family, whilst it provides against the imbecility of the natural Lord, and is free from his objection to a Resident, is the only one which the said Hastings never has executed, or even proposed to execute.

THAT

XX.

THAT the said Hastings, by the agreements aforesaid, has left the Company in such an alternative, that they can neither relieve the said Prince of Farruckabad from oppression, without a breach of the engagements entered into by him the said Hastings with the Nabob Vizier, in the name of the Company; nor suffer him to remain under the said oppression without violating all faith, and all the rules of justice with regard to him. And the said Hastings hath directly made, or authorised, no less than six revolutions in less than five years, in the aforesaid harrassed province; by which frequent and rapid changes of government, all of them made in contradiction to all his own declared motives and reasons, for the several acts successively done and undone in this transaction, the distresses of the country, and the disorders in its administration, have been highly aggravated; and in the said irregular proceedings, and in the gross and complicated violations of faith with all parties, the said Hastings is guilty of high crimes and misdemeanors.

No. VI.

Destruction of the Rajah of Sahlone.

I.

THAT the late Nabob of Oude, Sujah ul Dowlah, did (on what reasons of policy, or pretences of justice, is unknown) dispossess a certain native person of distinction, or eminent Rajah, residing in the country of Sahlone, "the lineal descendant of the " most powerful Hindoo family in that part of Hindostan," of his patrimonial estate, and conferred the same, or part of the same, on his (the Nabob's) mother, as a jaghire [or estate] for the term of her life; and the mother of the Nabob, in order to quiet the country, and to satisfy, in some measure, the principal
and

and other inhabitants, did allow and pay a certain pension to the said Rajah ; which pension, on the general confiscation of jaghires, (made at the instigation of the said Warren Hastings) and by the letting the lands so confiscated to farmers at rack rents, was discontinued, and refused to be paid ; and the discontinuance of the said pension, “ on account of the personal respect borne “ to the Rajah, (as connections with him are sought “ for, and thought to *confer honour*,”) did cause an universal discontent, and violent commotions, in the district of Sahlone, and other parts of the province of Oude, with great consequent effusion of blood, and interruption, if not total discontinuance, to the collection of the revenues in those parts, other than as the same was irregularly, and with great damage to the country, enforced by British troops.

II.

THAT Mr. Lumsdaine, the officer employed to reduce those disordered parts of the province to submission, after several advantages gained over the Rajah and his adherents, and expelling him from the country, did represent the utter impossibility of bringing it to a permanent settlement “ merely by forcible methods ; as in “ any of his (the Rajah’s) incursions it would not be “ necessary to bring even a force with him, as the zemindars [landed proprietors and freeholders] are “ much attached to the Rajah, whom they consider as “ their hereditary prince, and never fail to assist him ; “ and that his rebellion against Government is not “ looked on as a crime.” And Mr. Lumsdaine declared it “ as his clear opinion, that the allowing the said Rajah a pension suitable to his rank and influence in the “ country, to be the most certain mode of obtaining a “ permanent peace ;” alledging, among other cogent reasons, “ that the expence of the force necessary to be “ employed to subdue the country might be spared, “ and employed elsewhere ; and that the people would “ return to their villages with their cattle and effects, “ and of course Government have some security for “ the revenue, whereas at present they have none :” and the representation containing that prudent and temperate

rate counsel, given by a military man of undoubted information, and perfect experience in the local circumstances of the country, was transmitted by the Resident Bristow to the said Warren Hastings, who did wilfully and criminally omit to order any relief to the said Rajah, in conformity to the general sense and wishes of the inhabitants; a compliance with whose so reasonable an expectation, his duty in restoring the tranquillity of the country, and in retrieving the honour of the English Government, did absolutely require. But, instead of making such provision, a price was set upon his head; and several bodies of British troops being employed to pursue him, after many skirmishes and much bloodshed, and mutual waste of the country, the said Rajah, honoured and respected by the natives, was hunted down, and at length killed in a thicket.

No. VII.

Contracts and Salaries.

I.

THAT the Court of Directors of the East-India Company had laid down the following fundamental rules, for the conduct of such of the Company's business in Bengal as could be performed by contract; and had repeatedly and strictly ordered the Governor and Council of Fort William to observe those rules: viz. That all contracts should be publicly advertised, and the most reasonable proposals accepted; that the contracts of provisions and for furnishing draught and carriage bullocks for the army, should be *annual*: and, that they should not fail to advertise for and receive proposals for those contracts *every year*.

II.

THAT the said Warren Hastings, in direct disobedience to the said positive orders, and, as the Directors them-

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selves

selves say, *by a most deliberate breach of his duty*, did, in September 1777, accept of proposals offered by Ernest Alexander Johnson, for providing draught and carriage bullocks, and for victualling the Europeans, without advertising for proposals, as he was expressly commanded to do, and extended the contract for *three years*, which was positively ordered to be *annual*; and, notwithstanding that extension of the period, which ought at least to have been compensated by some advantage to the Company in the conditions, did conclude the said contract *upon terms less advantageous than the preceding contract*, and therefore not on the lowest terms procurable.

III.

THAT the said Warren Hastings, in defiance of the judgement and lawful orders of his superiors, which in this case left him no option, declared, that *he disapproved of publishing for proposals, and that the contract was reduced too low already*; thereby avowing himself the advocate of the contractor, against whom, as representative of the Company, and guardian of their interests, he properly was party, and preferring the advantage of the contractor to those of his own constituents and employers.

IV.

THAT the Court of Directors of the East-India Company having carefully considered the circumstances and tendency of this transaction, condemned it in the strongest terms, declaring, that they would *not permit* the contract to be continued, and that, “if the contractor should think himself aggrieved, and take measures in consequence, by which the Company became involved in loss or damage, they should certainly hold the majority of the Council responsible for such loss or damage, and proceed against them accordingly.”

V.

THAT the said Warren Hastings, in defiance of orders, which, the Directors say, were *plain and unequivocal*, did, in January 1777, receive from George Templer,

Templer, a proposa, essentially different from the advertisement published by the Governor General and Council for receiving proposals for feeding the Company's elephants, and did accept thereof, not only without having recourse to the proper means for ascertaining whether the said proposa was the lowest that would be offered, but with another actually before the Board, nearly 30 per cent. lower than that made by the said George Templer, to whom the said Warren Hastings granted a contract, in the terms proposed by the said Templer, for three years, and did afterwards extend the same to five years, with new and distinct conditions, accepted by the said Warren Hastings, without advertising for fresh proposals, by which the Company were very considerable losers: — On all which the Court of Directors declared, “ That this waste of their
 “ property could not be permitted; that he the said
 “ Warren Hastings had disregarded their authority,
 “ and disobeyed their orders, in not taking the lowest
 “ offers;” and they ordered that the contract for elephants should be annulled: and the said Directors farther declared, that “ if the contractor should recover
 “ damages of the Company for breach of engagement,
 “ they were determined, in such case, to institute a
 “ suit at law against those members of the Board who
 “ had presumed, in direct breach of their orders, to
 “ prefer the interest of an individual to that of the
 “ Company.”

VI.

THAT the said Warren Hastings did, in the year 1777, conclude with ----- Forde, a contract for an armed vessel for the pilotage of the Chittigong River, and for the defence of the coast and river against the incursions of robbers, for the term of five years, in farther disobedience of the Company's orders respecting the mode and duration of contracts, and with a considerable increase of expence to the Company: — That the farming out the defence of a country to a contractor, being wholly unprecedented, and evidently absurd, could have no real object to enrich the contractor

tractor at the Company's expence; since, either the service was not dangerous, and then the establishment was totally unnecessary; or, if it was a dangerous service, it was evidently the interest of the contractor to avoid such danger, and not to hazard the loss of his ship or men, which must be replaced at his own expence, and therefore that an active and faithful discharge of the contractor's duty was incompatible with his interest.

VII.

THAT the said Warren Hastings, in farther defiance of the Company's orders, and in breach of the established rule of their service, did, in the year 1777, conclude a contract with the Master and Deputy Master Attendant of the Company's marine or pilot service, for supplying the said marine with naval stores, and executing the said service for the term of two years, and without advertising for proposals.

VIII.

THAT the use and expenditure of such stores, and the direction of the pilot vessels, is under the management, and at the disposition of the Master Attendant, by virtue of his office: that he is officially the proper and regular check upon the person who furnishes the stores, and bound by his duty to take care that all contracts for furnishing such stores are duly and faithfully executed.

IX.

THAT the said Warren Hastings, by uniting the supply and the check in the same hands, did not only disobey the Company's specific orders, and violate the fundamental rules and practice of the service, but did overlook the only just and rational principle, on which this, and every other service of a similar nature, ought to be conducted; and did not only subject the Company's interest, in point of expence, to fraud and collusion, but did thereby expose the navigation of the Bengal river to manifest hazard and distress; considering that it is the duty of the Master Attendant to take care
that

that the pilot vessels are constantly stationed in the roads to wait the arrival of the Company's ships, especially in tempestuous weather, and that they should be in a constant condition to keep the sea; whereas it is manifestly the interest of the contractor, in the first instance, to equip the said Vessels as scantily as possible, and afterwards to expose them as little as possible to any service in which the stores, to be replaced by him, might be lost or consumed: and finally, that in June 1779, the said contract was prolonged to the said Master Attendant, by the said Warren Hastings, for the farther period of two years from the expiration of the first, without advertising for proposals.

X.

THAT it does not appear that any of the preceeding contracts have been annulled, or the charges attending any of them abated, or that the Court of Directors have ever taken any measures to compel the said Warren Hastings to indemnify the Company, or to make good any part of the loss incurred by the said contracts.

XI.

THAT in the year 1777 the said Warren Hastings did recommend and appoint John Belli, at that time his private Secretary, to be agent for supplying the Garrison of Fort William with victualling stores: That the stores were to be purchased with money advanced by the Company; and that the said Agent was to be allowed a commission, or per centage, for his risque and trouble: That in order to ascertain what sum would be a reasonable compensation for the agent, the Governor General and Council agreed to consult some of the principal merchants of Calcutta; and the merchants so consulted, reported their opinion, that 20 per cent. on the prime cost of the stores would be a reasonable compensation to the agent: that, nevertheless, the said Warren Hastings, supported by the vote and concurrence of Richard Barwell, then a member of the Supreme Council, did propose and carry it, that 30 per cent. per annum should be allowed upon all stores to be provided by the agent: and the said Warren Hastings professed,
that

that "he preferred an agency to a contract for this service; because, if it were performed by contract, it must then be advertised, and the world would know what provision was made for the defence of the fort:" as if its being publicly known that the fort was well provided for defence, were likely to encourage an enemy to attack it.

XII.

THAT in August 1779, in defiance of the principle laid down by himself for preferring an agency to a contract, the said Warren Hastings did propose, and carry it, that the agency should be *converted into a contract*, to be granted to the said John Belli, without advertising for proposals, and fixed for the term of five years, "pretending that he had received frequent remonstrances from the said agent, concerning the heavy losses and inconveniencies to which he was *subjected* by the indefinite terms of his agency," notwithstanding it appeared, by evidence produced at the Board, that, on a supply of about 37,000*l.* he had already drawn a commission of 22,000*l.* and upwards: and the said Warren Hastings pledged himself, that, *if required by the Court of Directors, the profits arising from the agency should be paid into the Company's treasury, and appropriated as the Court should direct.*

XIII.

THAT the Court of Directors, as soon as they were advised of the first appointment of the said Agency, declared, that they considered the Commission of 20 per cent, as an ample compensation to the agent; and did positively order, that, according to the engagement of the said Warren Hastings, "the commission paid or to be paid to the said agent, should be reduced to 20 per cent."

XIV.

THAT the said John Belli did positively refuse to refund any part of the profits he had received, or to submit to a diminution of those which he was still to receive; and the said Warren Hastings has never made
good

good his own voluntary and solemn engagement to the Court of Directors herein above mentioned : and as his failure to perform the said engagement is a breach of faith to the Company ; so his performance of such engagement, if he had performed it, and even his offering to pledge himself for the agent, in the first instance, ought to be taken as presumptive evidence of a connection between the said Warren Hastings and the said agent his private Secretary ; which ought not to exist between a Governor, acting in behalf of the Company, and a contractor making terms with such Governor for the execution of a public service.

XV.

THAT before the expiration of the contract hereinbefore mentioned, for supplying the army with draught and carriage bullocks, granted by the said Warren Hastings to Ernest Alexander Johnson for three years, the said Warren Hastings did propose and carry it in Council, that a new contract should be made, on a new plan, and that an offer thereof should be made to Richard Johnson, brother and executor of the said contractor, without advertising for Proposals, for the term of *five years* : and this offer was *voluntarily accepted* by the said Richard Johnson, who, at the same time, desired, and obtained, that the new contracts should be made out in the name of Charles Croftes, the Company's accountant and Sub treasurer at Fort William.

XVI.

THAT the said Charles Croftes offered the said Richard Johnson as one of his securities for the performance of the said contract, who was accepted as such by the said Warren Hastings ; and at the request of the said contractor, the contract for victualling the Europeans serving at the presidency was added to and united with that for furnishing bullocks, and fixed for the same period.

XVII.

THAT this extension of the periods of the said contracts was not compensated by a diminution in the charge

charge to be incurred by the Company on that account, as it ought to have been; but, on the contrary, the charge was immoderately increased by the new contracts; insomuch, that it was proved, by statements and computations produced at the Board, that the increase on the victualling contract would, in five years, amount to 40,000*l.*; and that the increase on the bullock contract, in the same period, would amount to above four hundred thousand pounds: that when this, and many other weighty objections against the terms of the said contracts were urged in Council to the said Warren Hastings, he declared, that *he should deliver a reply thereto*; but it does not appear that he did ever deliver such reply, or ever enter into a justification of any part of his conduct in this transaction.

XVIII.

THAT the Act of Parliament of 1773, by which the first Governor General and Council were appointed, did expressly limit the duration of their office to the term of five years, which expired in October 1779, and that the several contracts, herein-before mentioned, were granted in September 1779, and were made to continue *five* years after the expiration of the Government by which they were granted; that by this anticipation, the discretion and judgement of the succeeding government, respecting the subject matter of such contracts, was taken away, and any correction or improvement therein rendered impracticable.

XIX.

THAT the said Warren Hastings might have been justified by the rules and practice, or by the necessity of the public service, in binding the Government by engagements to endure one year after the expiration of his own office; but on no principles could he be justified in extending such engagements beyond the term of one year, much less on the principles he has avowed, namely, "that it was only an act of common justice in him to secure *every man connected with him*, as far as he legally could, from the apprehension of future oppression." The oppression, to which such apprehension,

sion, if real, must allude, could only consist in and arise out of the obedience which he feared a future government might pay to the orders of the Court of Directors, by making all contracts *annual*, and advertising for proposals publicly and indifferently, from all persons whatever, by which it might happen that such beneficial contracts would not be constantly held by men *connected with him*, the said Warren Hastings: and this declaration made by the said Warren Hastings, combined with all the circumstances belonging to these transactions, leaves no room to doubt that, in disobeying the Company's orders, and betraying the trust reposed in him as guardian of the Company's property, his object was to purchase the attachment of a number of individuals, and to form a party capable of supporting and protecting him in return:

XX.

THAT with the same view, and on the same principles, it appears that excessive salaries and emoluments, at the East-India Company's charge and expence, have been lavished by the said Warren Hastings, to sundry individuals, contrary to the general principles of his duty, and in direct contradiction to the positive orders of the Court of Directors: particularly, that whereas by a resolution of the Court of Proprietors of the East-India Company, and by an instruction of the Court of Directors, it was provided and expressly ordered, That there should be paid to the late Sir John Clavering
 “ the sum of six thousand pounds sterling per annum,
 “ in full for his services as Commander in Chief, in
 “ lieu of travelling charges, and of all other advantages
 “ and emoluments whatever;” and whereas the Court of Directors positively ordered that the late “ Sir Eyre
 “ Coote should receive the *same* pay, as Commander in
 “ Chief of their forces in India, as was received by
 “ Lieutenant-general Sir John Clavering;”—the said Warren Hastings, nevertheless, within a very short time after Sir Eyre Coote's arrival in Bengal, did propose and carry it in Council, that a new establishment should be created for Sir Eyre Coote, by which an increase of expence would be incurred by the India Com-

pany to the amount of eighteen thousand pounds a year and upwards, exclusive of and in addition to his salary of ten thousand pounds a year, provided for him by act of Parliament as a member of the Supreme Council, and exclusive of and in addition to his salary of six thousand pounds a year as commander in Chief, appointed for him by the Company, and expressly fixed to that amount.

XXI.

THAT the disobedience and breach of trust of which the said Warren Hastings was guilty in this transaction, is highly aggravated by the following circumstances connected with it: that from the death of Sir John Clavering to the arrival of Sir Eyre Coote in Bengal, the provisional command of the army had devolved to, and been vested in, Brigadier-general Giles Stibbert, the eldest officer on that establishment; that in this capacity, and, as the said Warren Hastings has declared, "standing no way distinguished from the other officers of the army, but by his accidental succession to the first place on the list," he, the said Giles Stibbert, had, by the recommendation and procurement of the said Warren Hastings, received and enjoyed a salary and other allowances to the amount of 13,854*l.* 12*s.* per annum.—That Sir Eyre Coote, soon after his arrival, represented to the Board, that a considerable part of those allowances, amounting to 8,220*l.* 10*s.* per annum, ought to devolve to himself, as Commander in Chief of the Company's forces in India; and stating, that the said Giles Stibbert could no longer be considered as Commander in Chief under the presidency of Fort William, made a formal demand of the same. But the said Warren Hastings, instead of reducing the allowances of the said Giles Stibbert to the establishment at which they stood during General Clavering's command, and for the continuance of which, after Sir Eyre Coote's arrival, there could be no pretence, continued the allowances of thirteen thousand eight hundred and fifty-four pounds twelve shillings per annum to the said Giles Stibbert; and, at the same time, in order to appease and satisfy the demand of the said Sir Eyre Coote, did
create

create for him that new establishment, herein-before specified, of eighteen thousand pounds per annum; inso-much, that instead of the allowance of *six thousand pounds a year, in lieu of travelling charges and of all emoluments and allowances whatsoever*, to which the pay and allowances of Commander in Chief were expressly limited by the united act of the legislative and executive powers of the Company, the annual charge to be borne by the Company on that account was increased by the said Warren Hastings to the enormous sum of thirty-eight thousand two hundred and seventeen pounds ten shillings sterling.

XXII.

THAT on the first of November 1779, the said Warren Hastings did move and carry it in Council, "that the resident at the Vizier's court should be furnished with an account of all the extra-allowances and charges of the Commander in Chief when in the field, with orders to add the same to the debit of the Vizier's account, as a part of his general subsidy; the charge to commence from the day on which the General shall pass the Carumnassa, and to continue till his return to the same line." That this additional expence, imposed by the said Warren Hastings on the Vizier, was unjust in itself, and a breach of treaty with that Prince, the specific amount of the subsidy to be paid by him having been fixed by a treaty, to which no addition could justly be made, but at the previous requisition of the Vizier.

XXIII.

THAT the Court of Directors, in their letter of the 18th of October 1780, did condemn and prohibit the continuation of the allowances above mentioned to Sir Eyre Coote, in the following words: "These allowances appear to us in a light so very extraordinary, and so repugnant to the spirit of a resolution of the General Court of Proprietors, respecting the allowance made to General Clavering, that we positively direct that they be discontinued immediately, and no part thereof paid after the receipt of this letter." And

on the 27th of April 1781, the Governor General and Council, in obedience to the orders of the Directors, did signify the same to the Commissary General, as an instruction to him, that the extraordinary allowances to Sir Eyre Coote *should be discontinued, and no part thereof paid after that day*: But it appears, nevertheless, that the said extra allowances (amounting to above twenty thousand pounds sterling a year) were continued to be charged to the Vizier, and paid to Sir Eyre Coote, in defiance of the orders of the Court of Directors; in defiance of the consequent resolution of the Governor General and Council; and in contradiction to the terms of the original motion, made by the said Warren Hastings, for adding those allowances to the debit of the Vizier, viz. "that they should continue till Sir Eyre Coote's return to the Carumnassa."

XXIV.

THAT Sir Eyre Coote arrived at Calcutta about the end of August 1780, and must have crossed the Carumnassa, in his return from Oude, some weeks before, when the charge on the Vizier, if at any time proper, ought to have ceased. But it appears that the said allowances were continued to be charged against the Vizier, and paid to Sir Eyre Coote, for three years after, even while he was serving in the Carnatic, and that this was done by the sole authority and private command of the said Warren Hastings.

XXV.

THAT the East-India Company, having thought proper to create the office of Advocate General in Bengal, and to appoint Sir John Day to that office, it was resolved, by a General Court of Proprietors, that a salary of 3000l. a year should be allowed to the said Sir John Day, *in full consideration of all demands and allowances whatsoever for his services to the Company at the Presidency of Fort William*:—That the said Warren Hastings, nevertheless, shortly after Sir John Day's arrival in Bengal, did increase the said Sir John Day's salary and allowances to six thousand pounds a year, in direct disobedience of the resolution of the Court of Proprietors,
and

and of the order of the Court of Directors:—That the Directors, as soon as they were informed of this proceeding, declared, “that they held *themselves* bound by the resolution of the General Court, and that they could not allow it to be disregarded by the Company’s servants in India;” and ordered that the increased allowances should be forthwith discontinued.

XXVI.

THAT the said Warren Hastings, after having first thought it necessary, in obedience to the orders of the Court of Directors, to stop the extraordinary allowance which he had granted to Sir John Day, did afterwards resolve that the allowance which had been struck off, should be *repaid* to him, upon his signing an obligation to refund the amount which he might receive, in case the Directors should confirm their former orders, already twice given:—That in this transaction the said Warren Hastings trifled with the authority of the Company, eluded the repeated orders of the Directors, and exposed the Company to the risque and uncertainty of recovering, at a distant period, and perhaps by a process of law, a sum of money which they had positively ordered him not to pay.

XXVII.

THAT, in the latter part of the year 1776, by the death of Colonel Monson, the whole power of the government of Fort William devolved to the Governor and one member of the Council; and from that time the Governor General and Council have generally consisted of an even number of persons, in consequence of which the casting voice of the said Warren Hastings has usually prevailed in the decision of all questions.

XXVIII.

THAT about the end of the year 1776 the whole civil establishment of the said government did not exceed 205,399l. per annum; but in the year 1783 the said civil establishment had been increased to the enormous annual sum of 927,945l.—That such increase in
the

the civil establishment could not have taken place, if the said Warren Hastings, who was at the head of the Government, with the power annexed to the casting voice, had not actively promoted the said increase, which he had power to prevent, and which it was his duty to have prevented.

XXIX.

THAT by such immoderate waste of the property of his employers, and by such scandalous breach of his fidelity to them, it was the intention of the said Warren Hastings to gain and secure the attachment and support of a multitude of individuals, by whose united interest, influence and intrigues, he hoped to be protected against any future inquiry into his conduct: and it was of itself highly criminal in the said Warren Hastings to have so wasted the property of the East-India Company, and the purpose to be obtained by such waste was a great aggravation of that crime.

XXX.

THAT among the various instances of profusion, by which the civil establishment of Fort William was increased to the enormous annual sum herein-before mentioned, it appears that a salt office was created, of six commissioners, whose annual emoluments were as follow, viz.

President, or Comptroller, per annum	£. 18,480
1st member " " " " "	13,100
2d ditto " " " " "	11,480
3d ditto " " " " "	13,183
4th ditto " " " " "	6,257
5th ditto " " " " "	10,307
	£. 72,807

XXXI.

THAT a Board of Revenue was created by the said Warren Hastings, consisting of five Commissioners, whose annual emoluments were as follow, viz.

1st

ARTICLE VII.

183.

1st member, per annum	-	-	-	-	£. 10,950
2d ditto	-	-	-	-	9,100
3d ditto	-	-	-	-	9,100
4th ditto	-	-	-	-	9,100
5th ditto	-	-	-	-	9,100
					£. 47,350

That David Anderson, Esq; first member of the said Board, did not execute the duties, though he received the emoluments, of the said office; having acted for the greatest part of the time, as Ambassador to Madagee Scindia, with a farther salary of 4280l. a year, making in all 15,230l. a year.

XXXII.

THAT the said Warren Hastings did create an office of agent victualler to the garrison of Fort William, whose profits, on an average of three years, were 15,970l. per annum:—That this agency was held by the Postmaster General, who, in that capacity, received 2200l. a year from the Company, and who was actually no higher than a writer in the service:—That the person who held these lucrative offices, viz. John Belli, was private secretary to the said Warren Hastings.

XXXIII.

THAT the said Warren Hastings created a nominal office of Resident at Goa, where the Company never had a resident, nor business of any kind to transact, and gave the said nominal office to a person who was not a covenanted servant of the Company, with an allowance of 4280l. a year.

XXXIV.

THAT these instances are proofs of a criminal profusion and high breach of trust to the India Company in the said Warren Hastings, under whose government, and by means of whose special power, derived from the effect of his casting voice, all the said waste and profusion did take place.

XXXV.

XXXV.

THAT at the end of the year 1780, when, as the Court of Directors affirm, *the Company were in the utmost distress for money, and almost every department in arrear*, and when it appears that there was a great scarcity and urgent want of grain at Fort St. George, the said Warren Hastings did accept of a proposal made to him by James-Peter Auriol, then Secretary to the Council, to supply the presidency of Fort St. George with rice and other articles, and did appoint the said Auriol to be the agent for supplying *all the other presidencies with those articles*:—That the said Warren Hastings declared, that the intention of the appointment “was most likely to be fulfilled by a liberal consideration of it,” and therefore allowed the said Auriol a commission of 15 per cent. on the whole of his disbursements; thereby rendering it the direct interest of the said Auriol to make his disbursements as great as possible:—That the chance of capture by the enemy, or danger of the sea, was to be at the risque of the India Company, and not of the said Auriol:—That the said Warren Hastings declared personally to the said Auriol, “that this post was intended as a reward for his long and faithful Services.”

XXXVI.

THAT the President and Council of Bombay did remonstrate against what they called *the enormous amount of the charges* of the rice with which they were supplied, which they state to be nine rupees a bag at Calcutta, when they themselves could have contracted for its delivery at Bombay, free of all risque and charges; at five rupees and three sixteenths per bag; and that even at Madras, where the distress and demand was greatest, the supplies of grain by private traders charged to the Company, were nineteen per cent. cheaper than that supplied by the said Auriol, exclusive of the risque of the sea and of capture of the enemy: And it is stated by the Court of Directors, that the agent's commission on a supply of *a single year* (the said commission being not only charged on the prime cost of the rice, but also on the freight and all other charges) would amount

amount to pounds sterling twenty-six thousand eight hundred and seventy-three, and by the said Auriol himself is admitted to amount to 18,292l.

XXXVII.

THAT William Larkins, the Accomptant General at Fort William, having been ordered to examine the accounts of the said agent, did report to the Governor General and Council, that he found them to be *correct in the additions and calculations*; and that then the said Larkins adds the following declaration: "The agent *being upon honour* with respect to the sums charged in his accounts for the cost of the articles supplied; I did not think myself authorized to require *any voucher* of the sums charged for the demurrage of sloops, either as to the time of detention, or the rate of the charge, or of those for the articles lost in going down the river; and on that ground I thought myself equally bound to admit the sums acknowledged as received for the sales of goods returned, without requiring vouchers of the rates at which they were sold."

XXXVIII.

THAT in the aforesaid transaction the said Warren Hastings has been guilty of a high breach of trust and duty, in the unnecessary expenditure of the Company's money, and in subjecting the Company to a profusion of expence, at all times wholly unjustifiable, but particularly at the time when that expence was incurred. And the said Warren Hastings was guilty of breach of orders, as well as breach of trust, in not advertising generally for proposals; in not *contracting* indifferently for the supplies with such merchants as might offer to furnish them on the lowest terms; in giving an enormous commission to an agent, and that commission not confined to the prime cost of the articles, but to be computed on the whole of his charges; in accepting of the *honour* of the said agent as a sufficient voucher for the cost of the articles supplied, and for all charges whatever, on which his commission was to be computed; and finally, in giving a lucrative agency for the supply

of a distressed and starving province, as a reward to a Secretary of State, whose labours in that capacity ought to have been rewarded by an avowed public salary, and not otherwise.

XXXIX.

THAT after the first year of the said agency was expired, the said Warren Hastings did agree, that for the future the commission to be drawn by the said agent should be reduced to five per cent., which the Governor General and Council then declared to be *the customary amount drawn by merchants*; but that, even in this reduction of the commission, the said Warren Hastings was guilty of a deception, and did not in fact reduce the commission from 15 to 5 per cent., having immediately after resolved that he, the agent, should be allowed the current interest of Calcutta upon all his drafts on the Treasury from the day of their dates, until they should be completely liquidated: The legal interest of money in Bengal being twelve per cent. per annum, and the current interest from 8 to 10 per cent.

 No. VIII.

Money corruptly and illegally taken.

I.

THAT, before the appointment of the Governor General and Council of Fort William by act of Parliament, the allowances made by the East-India Company to the Presidents of that Government were abundantly sufficient; and that the said Presidents in general, and the said Warren Hastings particularly was restrained by a specific covenant and indenture, which he entered into with the Company, from accepting any gifts, rewards, or gratuities whatsoever, on any account or pretence whatsoever:—That, in the regulating act passed in the year 1773, which appointed the said Warren Hastings, Esquire, Governor General of Fort William

William in Bengal, a salary of 25,000l. a year was established for him; to which the Court of Directors added, "that he should enjoy their principal houses, "with the plate and furniture, both in town and country, *rent-free*." And the same law which created the office, and provided the salary of the said Warren Hastings, did expressly, and in the clearest and most comprehensive terms that could be devised, prohibit him from receiving any present, gift, or donation, in any manner, or on any account whatsoever; and the said Warren Hastings perfectly understood the meaning, and acknowledged the binding force of this prohibition, before he accepted of the office to which it was annexed. For he knew, and had declared, that *the prohibition was positive and decisive; that it admitted neither of refinement or misconstruction; and that, in his opinion, an opposition would be to incur the penalty.*

II.

THAT, notwithstanding the covenants and engagements above mentioned, it appears in the recorded proceedings of the Governor General and Council of Fort William, that sundry charges have been brought against the said Warren Hastings for gifts or presents corruptly taken by him before the promulgation of the act of 1773 in India, and that these charges were produced at the Council Board, in the presence of the said Warren Hastings: That, in March 1775, the late Rajah Nuncomar, a native Hindoo, of the highest cast in his religion, and of the highest rank in society, by the offices which he had held under the country government, did lay before the Council an account of various sums of money paid by him to the said Warren Hastings, amounting to 40,000l. and upwards, for offices and employments corruptly disposed of by the said Warren Hastings, and did offer and engage to prove and establish the same by sufficient evidence.

III.

THAT the account aforesaid is stated with a minute particularity and precision; the date of each payment, down to that of small sums, is specified; the various

coins in which such payments were severally made, are distinguished; and the different persons through whose hands the money passed into those of the said Warren Hastings are named:—Such particularity on the face of such a charge, supposing it false, being favourable to the party wrongfully accused, and exposing the accuser to an instant and easy detection; for though, as the said Warren Hastings himself has observed on another occasion, “papers may be forged, and evidences may appear in numbers, to attest them, yet it must always be an *easy* matter to detect the falsity of any forged paper produced, by examining the witnesses separately, and subjecting them to a subsequent cross examination; in which case, if false, they will not be able to persevere in one regular consistent story.” Whereas, if no advantage be taken of such particularity in the charge to detect the falsehood thereof, and if no attempt to disprove it, and no defence whatever be made, a presumption justly and reasonably arises in favour of the truth of such charge.

IV.

THAT the said Warren Hastings, instead of offering any thing in his defence, declared, that *he would not suffer Nuncomar to appear before the Board as his accuser*:—That he attempted to indict his said accuser for a conspiracy, in which he failed; and the said Rajah Nuncomar was soon after, and while his charge against the said Warren Hastings was depending before the Council, indicted upon an English penal statute, which does not extend even to Scotland, before the Supreme Court of Judicature, for an offence said to have been committed several years before, and not capital by the laws of India, and was condemned and executed:—That the evidence of this man, not having been encountered at the time, when it might and ought to have been, by the said Warren Hastings, remains justly in force against him, and is not abated by the capital punishment of the said Nuncomar, but rather confirmed by the time and circumstances in which the accuser of the said Warren Hastings suffered death.

V. THAT

V.

THAT one of the offices, for which a part of the money above mentioned is stated to have been paid to the said Warren Hastings, was given by him to Munny Begum, the widow of the late Myr Jaffier, Nabob of Bengal, whose son, by another woman, holds that title at present:—That the said Warren Hastings had been instructed by the Court of Directors of the East-India Company to appoint “ a Minister to transact the political affairs of the Government, and to select for that purpose some person well qualified for the affairs of Government, to be the minister and guardian of the Nabob’s minority :”—That for these offices, and for the execution of the several duties belonging to them, the said Warren Hastings selected and appointed the said Munny Begum, a woman evidently unqualified for, and incapable of such offices, and restrained from acting in such capacities, by her necessary seclusion from the world, and retirement in a seraglio:—That a considerable deficiency or embezzlement appearing in this woman’s account of the young Nabob’s stipend, she voluntarily declared, by a writing under her seal, that she had given 15,000*l.* to the said Warren Hastings for an entertainment; which declaration corresponds with, and confirms that part of the charge produced by Raja Nuncomar, to which it relates:—That neither this, nor any other part of the said charge, has been at any time directly denied or disputed by the said Warren Hastings, though made to his face, and though he was repeatedly accused by his colleagues, who were appointed by Parliament at the same time with himself, of peculation of every sort: But instead of promoting a strict inquiry into his conduct for the clearance of his innocence and honour, he, the said Hastings, did repeatedly endeavour to elude and stifle all inquiry, by attempting to dissolve the meetings of the Council at which such charges were produced, and by other means, and has not since taken any steps to disprove or refute the same.

VI. That

VI.

That the said Warren Hastings, so long ago as September 1775, assured the Court of Directors, " That
 " it was his fixed determination most fully and liberally
 " to explain every circumstance of his conduct on the
 " points on which he had been injuriously arraigned,
 " and to afford them the clearest conviction of his own
 " integrity, and of the propriety of his motives for declining a present defence of it ;" and having never since given to the Court of Directors any explanation whatever, much less the full and liberal explanation he had promised so repeatedly, has thereby abandoned even that late and protracted defence, which he himself must have thought necessary to be made at some time or other ; and which he would be thought to have deferred to a period more suitable and convenient than that in which the facts were recent ; and the impression of these, and other charges of the same nature against him, was fresh and unimpaired in the minds of men.

VII.

That on the 30th of March 1775, a member of the Council produced and laid before the Board a petition from Myr Zein Abul Dheen, (formerly farmer of a district, and who had been in creditable stations) setting forth, that Khan Jehan Cawn, then Phousdar of Houghly, had obtained that office from the said Warren Hastings, with a salary of seventy-two thousand Sicca rupees a year ; and that the said *Phousdar* had given a receipt of bribe to the patron of the city, meaning Warren Hastings, to pay him annually thirty-six thousand rupees a year, and also to his banyan, Cantoo Baboo, four thousand rupees a year, out of the salary above mentioned.

VIII.

That by the 35th article of the instructions given to the Governor General and Council, they are directed
 " immediately to cause the strictest inquiry to be
 " made into all oppressions, which might have been
 " committed either against the natives or Europeans,
 " and

“ and into all abuses that might have prevailed in the
“ collection of the revenues, or any part of the civil
“ government of the Presidency, and to communicate
“ to the Directors all information which they might
“ be able to obtain relative thereto, or to any dissipation or embezzlement of the Company’s money.”
That the above petition and instruction having been read in Council, it was moved that the petitioner should be ordered to attend the next day to make good his charge.—That the said Warren Hastings declared,
“ That it appeared to him to be the purpose of the
“ majority to make him the sole object of their personal attacks: that they had taken their line, and might
“ pursue it: that he should have other remarks to
“ make upon this transaction; but as they would be
“ equally applicable to *many others*, which in the course
“ of this business were likely to be brought before
“ the Board, he should say no more on the subject;—
and he objected to the motion.

IX.

That by the preceding declaration, the said Warren Hastings did admit, that many other charges were likely to be brought against him, and that such charges would be of a similar nature to the first, viz. a corrupt bargaining for the disposal of a great office, since he declared that his remarks on that transaction would be equally applicable to the rest; and that, by objecting to the motion for the personal attendance of the accuser, he resisted and disobeyed the Company’s instructions; and did, as far as depended on his power, endeavour to obstruct and prevent all inquiry into the charge. That in so doing, he failed in his duty to the Company; he disobeyed their express orders, and did leave the charge against himself without a reply, and even without a denial; and with that unavoidable presumption against his innocence, which lies against every person accused, who not only refuses to plead, but, as far as his vote goes, endeavours to prevent an examination of the charge, and to stifle all inquiry into the truth of it.

X. That

X.

That the motion having been nevertheless carried, the said Warren Hastings did, on the day following, declare, “ that he could not sit to be confronted with “ such accusers, nor suffer a judicial inquiry into his “ conduct, at the Board of which he was President, “ and declared the meeting of the Board dissolved.”— That the Board continued to sit and examine witnesses, servants of the Phoufdar, on oath and written evidence, being letters under the hand and seal of the Phoufdar, all directly tending to prove the charge; viz. that out of the salary of seventy-two thousand rupees a year paid by the Company, the said Phoufdar received but thirty-two thousand, and that the remainder was received by the said Warren Hastings and his banyan.— That the Phoufdar, though repeatedly ordered to attend the Board, did, under various pretences, decline attending until the 19th of May, when the letters stated to be his, that is, under his hand and seal, being shewn to him, it was proposed by a member of the Board, that he should be asked, whether he had any objection to swear to the truth of such answers as he might make to the questions proposed by the Board.— That the said Warren Hastings objected to his being put to his oath.— That the question was, nevertheless put to him, in consequence of a resolution of the Board.— That he first declined to swear, under pretence *that it was a matter of serious consequence to his character to take an oath*; and, when it was finally left to his option, he declared, “ Mean people might swear, but that his “ character would not allow him; that he could not “ swear, and had rather subject himself to a loss.”— That the evidence in support of the charge being on oath, was in this manner left uncontradicted; that it was admitted by the said Warren Hastings, that neither Mussulmen nor Hindoos are forbidden by the precepts of their religion to swear. That it is not true, as the said Warren Hastings asserted, that it was repugnant to the *manners* either of Hindoos or Mussulmen; and that if, under such pretences, the natives were to be exempted from taking an oath, when examined by the Governor and Council, all the inquiries pointed out to them

them by the Company's instructions might stop or be defeated.—That no valid reason was, or could be assigned, why the said Phousdar should not be examined on oath; that the charge was not against himself; and that, if any questions had been put to him, tending to make him accuse himself, he might have declined to answer them.—That, if he could have safely sworn to the innocence of the said Warren Hastings, from whom he received his employment, he was bound in gratitude, as well as justice, to the said Warren Hastings, to have consented to be examined on oath.—That not having done so, and having been supported and abetted in his refusal by the said Warren Hastings himself, whose character and honour were immediately at stake, the whole of the evidence for the truth of the charge remains unanswered, and in full force against the said Warren Hastings, who on this occasion recurred to the declaration he had before made to the Directors, viz. “That he would most fully and liberally explain every circumstance of his conduct,” but has never since that time given the Directors any explanation whatsoever of his said conduct.

XI.

That when the Court of Directors, in January 1776, referred the question (concerning the legality of the power assumed, and repeatedly exercised by the said Warren Hastings, of dissolving the Council at his pleasure) to the late Charles Sayer, then Standing Council of the East-India Company, the said Charles Sayer declared his opinion in favour of the power; but concerning the use and exercise of it, in the cases stated, did declare his opinion in the following words: “I believe he, Warren Hastings, is the first Governor that ever dissolved a Council inquiring into his behaviour when he was innocent.” Before he could summon three councils, and dissolve them, he had time fully to consider what would be the result of such conduct, *to convince every body beyond a doubt of his conscious guilt.*

C c

That

XII.

That by a resolution of a majority of the Council, constituting a lawful act of the Governor General and Council, the said Khân Jehan Khân was dismissed from the office of Phousdar of Houghly, for a contempt of the authority of the Board.—That within a few weeks after the death of the late Colonel Monson, the number of the Council being then even, and all questions being then determined by the Governor General's casting voice, the said Warren Hastings did move, and carry it in Council, that the said Khân Jehan Khân should be restored to his office;—and that restoration not having been preceded, accompanied, or followed by any explanation or defence whatsoever, or even by a denial of the specific and circumstantial charge of collusion with the said Khân Jehan Khân, has confirmed the truth of the said charge.

XIII.

That, besides the sums charged to have been paid to the said Warren Hastings by the said Nuncomar, and Munny Begum, and Khân Jehan Khân, and besides the sum of one hundred and ten thousand pounds, already mentioned to have been accepted without hesitation by him as a present on the part of the Nabob of Oude and that of his ministers, the circumstances of which have been particularly reported to the House of Commons, it appears by the confession of the said Warren Hastings, that he has, at different times since the promulgation of the act of 1773, received various other sums, contrary to the express prohibition of the said act, and his own declared sense of the evident intent and obligation thereof.

XIV.

That in the month of June 1780, the said Warren Hastings made to the Council, what he called “a very
“unusual tender, by offering to exonerate the Com-
“pany from the expence of a particular measure and
“to take it upon himself; declaring that he had already
“deposited two lacks of rupees (or twenty-three thou-
“sand pounds) in the hands of the Company's Sub-
Treasurer

"Treasurer for that service."—That in a subsequent letter, dated the 29th of November 1780, he informed the Court of Directors, that "this money, by whatever means it came into their possession, *was not his own*;" but he did not then, nor has he at any time since, made known to the Court of Directors, from whom, or on what account, he received that money, as it was his duty to have done in the first instance; and, notwithstanding the said Directors signified to him their expectation that he should communicate to them "immediate information of the channel by which this money came into his possession, with a complete illustration of the cause or causes of so extraordinary an event:"—But, from evidence examined in England, it has been discovered that this money was received by the said Warren Hastings from Cheyt Sing, the Rajah of Benares, who was soon after dispossessed of all his property, and driven from his country and government by the said Warren Hastings.

XV.

The notwithstanding the declaration made by the said Warren Hastings, that he had actually deposited the sum above mentioned in the hands of the Company's Sub-Treasurer for their service, it does not appear, that "any entry whatsoever of that, or any other payment by the Governor General, was made in the treasury accounts, at or about the time;" nor is there any trace in the Company's books of its being actually paid into their treasury. It appears, then, by the confession of the said Warren Hastings, that this money was received by him; but it does not appear that he has converted it to the property and use of the Company.

XVI.

That in a letter from the said Warren Hastings to the said Court of Directors, dated the 22d of May, 1782, but not dispatched, as it might and ought to have been at that time, but detained and kept back by the said Warren Hastings till the 16th of December following, he has confessed the receipt of various other

sums, amounting (with that which he accepted from the Nabob of Oude) to nearly two hundred thousand pounds, which sums he affirmed had been converted to the Company's property through his means, but without discovering from whom, or on what account he received the same. But, instead of converting this money to the Company's property, as he affirmed he had done, it appears that he had lent the greater part of it to the Company upon bonds bearing interest, which bonds were demanded and received by him, and, for aught that yet appears, have never been given up or cancelled; and that for another considerable part of the above-mentioned sum he has taken credit to himself, as for a deposit of his own property, and therefore demandable by him out of the Company's treasury at his discretion.

XVII.

That all sums so lent or deposited are not alienated from the person who lends or deposits the same, consequently, that the declaration made by the said Warren Hastings, that he had converted the whole of these sums to the Company's property, was not true; nor would such a transfer, if it had really been made, have justified the said Warren Hastings in originally receiving the money; which being, in the first instance, contrary to law, could not be rendered legal by any subsequent disposition or application thereof; much less would it have justified the said Warren Hastings in delaying to make a discovery of these transactions to the Court of Directors, until he had heard of the inquiries then begun, and proceeding in Parliament, in finally making a discovery, such as it is, in terms the most intricate, obscure, and contradictory.

XVIII.

That, instead of that full and clear explanation of his conduct, which the Court of Directors demanded, and which the said Warren Hastings was bound to give them, he has contented himself with telling the said Directors, that "if this matter was to be exposed to the view of the public, his reasons for acting as he
" had

“ had done might furnish a variety of conjectures, to
 “ which it would be of little use to reply. That he
 “ either chose to conceal the first receipts from public
 “ curiosity, by receiving bonds for the amount, or possi-
 “ bly acted without any studied design which his me-
 “ mory could at that distance of time verify; and that
 “ he *could* have concealed them from their eye, and
 “ that of the public, for ever.” That the discovery,
 as far as it goes, establishes the guilt of the said War-
 ren Hastings, in taking money against law, but does
 not warrant a conclusion, that he has discovered *all*
 that he may have taken. That, on the contrary,
 such discovery not being made in proper time, and
 when made, being imperfect, perplexed, and wholly
 unsatisfactory, leads to a just and reasonable presump-
 tion, that other facts of the same nature have been con-
 cealed, since those which he has confessed might have
 been for ever; and that this partial confession was
 either extorted from the said Warren Hastings by the
 dread of detection, or made with a view of removing
 suspicion, and preventing any farther inquiry into his
 conduct.

XIX.

THAT the said Warren Hastings, in a letter to the
 Court of Directors, dated the 21st of February 1784,
 has confessed his having *privately received* another sum
 of money, the amount of which he has not declared,
 but which, from the application he says he has made of
 it, could not be less than thirty-four thousand pounds
 sterling.—That he has not informed the Directors from
 whom he received this money, at what time, nor on
 what account; but, on the contrary, has attempted to
 justify the receipt of it, which was illegal, by the ap-
 plication of it, which was unauthorised and unwar-
 rantable, and which, if admitted as a reason for re-
 ceiving money *privately*, would constitute a precedent
 of the most dangerous nature to the Company's service.

XX.

THAT in attempting to justify the receipt and ap-
 plication of the said money, he has endeavoured to
 establish principles of conduct in a governor, which
 tend

tend to subvert all order and regularity in the conduct of public business, to encourage and facilitate fraud and corruption in all offices of pecuniary trust, and to defeat all inquiry into the misconduct of any person in whom pecuniary trust is reposed: the said Warren Hastings, in his letter above mentioned, having made a declaration to the Court of Directors in the following terms:—" Having had occasion to disburse from my
 " own cash many sums, which, though required to
 " enable me to execute the duties of my station, I have
 " hitherto omitted to enter in my public accounts,
 " and my own fortune being unequal to so heavy a
 " charge, I have resolved to reimburse myself in a
 " mode the most suitable to the situation of your affairs, by charging the same in my Durbar accounts
 " of the present year, and crediting them in a sum
 " *privately received*, and appropriated to your service
 " in the same manner with other sums received on account of the honourable Company, and already carried to their account."

XXI.

THAT, at the time of writing this letter, the said Warren Hastings had been in possession of the government of Fort William about twelve years, with a clear salary, or avowed emoluments, at no time less than twenty-five thousand pounds sterling a year, exclusive of which, all the principal expences of his residence were paid for by the Company.—That if the services mentioned by him were required to enable him to execute the duties of his station, he ought not to have omitted to enter them in his public accounts, at the times when the expences were incurred. That if it was true, as he affirms, that when he first engaged in these expences he had no intention to carry them to the account of the Company, there was no subsequent change in his situation which could justify his departing from that intention.—That if his own fortune, in the year 1784, was unequal to so heavy a charge, the state of his fortune, at any earlier period, must have been still more unequal to so heavy a charge.—That the fact so asserted by the said Warren Hastings leads directly

rectly to an inference palpably false and absurd, viz. That the longer a Governor General holds that lucrative office, the poorer he must become.—That neither would the assertion, if it were true, nor the inference, if it were admitted, justify the conduct avowed by the said Warren Hastings, in resolving to reimburse himself out of the Company's property without their consent or knowledge.

XXII.

THAT the account transmitted in this letter is stiled by him, the said Warren Hastings, *an aggregate of a contingent account of twelve years*.—That all contingent accounts should be submitted to those who ought to have an official control over them, at annual or other shorter periods, in order that the expence already incurred may be checked and examined, and similar expences, if disapproved of, may be prohibited in time; that after a very long period is elapsed, all check and control over such expences is impracticable; and, if it were practicable in the present instance, would be completely useless, since the said Warren Hastings, without waiting for the consent of the Directors, did *resolve to reimburse himself*.

XXIII.

THAT the conduct of the said Warren Hastings, in withholding these accounts for twelve years together, and then resolving to reimburse himself without the consent of his employers, has been fraudulent in the first instance, and, in the second, amounts to a denial and mockery of the authority placed over him by law; and that he has thereby set a dangerous example to his successors, and to every man in trust or office under him.

XXIV.

THAT the mode in which he, the said Hastings, has reimbursed himself, is a crime of a much higher order, and greatly aggravates whatever was already criminal in the other parts of this transaction.—That the said Warren Hastings, in declaring that he should reimburse himself, by crediting the Company by a sum
privately

privately received, has acknowledged himself guilty of an illegal act, in receiving money *privately*.—That he has suppressed or withheld every particular which could throw any light on a conduct so suspicious in a governor, as the *private* receipt of money.—That the general confession of the private receipt of a large sum in gross, in which no circumstance of time, place, occasion, or person, nor even the amount is specified, tends to cover or protect any act of the same nature (as far as a general confession can protect such acts) which may be detected hereafter, and which, in fact, may not make part of the gross sum so confessed, and that it tends to perplex and defeat all inquiry into such practices.

XXV.

THAT the said Warren Hastings, in stating to the Directors, that he has resolved to reimburse himself in *a mode the most suitable to the situation of their affairs*, viz. by receiving money privately against law, has stated a presumption highly injurious to the integrity of the said Directors; viz. that they will not object to, or even inquire into any extraordinary expences incurred and charged by their Governors in India, provided such expences are reimbursed by money privately and illegally received.—That he has not explained what that situation of their affairs was or could be, to which so dangerous and corrupt a principle was or might be applied.—That no evidence has been produced to prove that it was true, nor any ground of argument stated to shew that it might be credible, that any native of India had voluntarily and gratuitously given money privately to the said Warren Hastings, that is, without some prospect of a benefit in return, or some dread of his resentment, if he refused.—That it is not a thing to be believed, that any native would give large sums privately to a governor, which he refused to give or lend publicly to Government, unless it were to derive some adequate secret advantage from the favour, or to avoid some mischief from the enmity of such governor.

XXVI. THAT

XXVI.

THAT the late confessions made by the said Warren Hastings, of money received against law, are no proof that he did not originally intend to appropriate the same to his own use, such confessions having been made at a suspicious moment, when, and not before, he was apprized of the inquiries commenced in the House of Commons, and when a dread of the consequence of those inquiries might act upon his mind; that such confessions, from the obscure, intricate, and contradictory manner in which they are made, imply guilt in the said Warren Hastings, as far as they go; that they do not furnish any colour of reason to conclude, that he has confessed all the money which he may have corruptly received; but that, on the contrary, they warrant a just and reasonable presumption, that in discovering some part of the bribes he has received, he hoped to lull suspicion, and thereby conceal and secure the rest.

XXVII.

THAT the Court of Directors, when the former accounts of these transactions came before them, did shew an evident disposition not to censure the said Warren Hastings, but to give the most favourable construction to his conduct; that nevertheless they found themselves obliged “to confess, that the statement of those transactions appeared to them in many parts *so unintelligible*, that they felt themselves under the necessity of calling on the Governor General for an explanation, agreeably to his promise voluntarily made to them.”

XXVIII.

THAT the letter, containing the requisition aforesaid, was received in Bengal in the month of August 1784, and that the said Warren Hastings did not embark for England until the 2d of February 1785, but made no reply to that letter before his departure, owing, as he has since said, *to a variety of other more important occupations*:—That, under pretence of such occupations, he neglected to transmit to the Court of Directors

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rectors a copy of a paper, which, he says, contained the *only* account he ever kept of the transaction. That such a paper, or a copy of it, might have been transmitted, without interrupting other important occupations, if any could be more important than that of giving a clear and satisfactory answer to the requisition of the Directors. That, since his arrival in England, he has written a letter to the Chairman of that Court, professedly in answer to their letter above mentioned, but, in fact, giving no explanation or satisfaction whatsoever on the points which they had declared to be unintelligible. That the terms of his letter are ambiguous and obscure, such as a guilty man might have recourse to, in order to cover his guilt, but such as no innocent man, from whom nothing was required but to clear his innocence, by giving plain answers to plain questions, could possibly have made use of. That in his letter of the 11th of July 1785, he says, "That he has been kindly apprized that the information required as above *was yet expected from him* : that the submission which his respect would have enjoined him to pay to the command imposed on him, *was lost to his recollection* ; perhaps from the stronger impression which the first and distant perusal of it had left on his mind ; that it was rather intended as a reprehension for something which had given offence in his report of the original transaction, than as expressive of any want of a farther elucidation of it."

XXIX.

THAT the said Warren Hastings, in affecting to doubt whether the information expressly required of him by his employers was expected or not, has endeavoured to justify a criminal delay and evasion in giving it. That, considering the importance of the subject, and the recent date of the command, it is not possible *that it could be lost to his recollection* ; much less is it possible that he could have understood the specific demand of an answer to specific questions to be intended only as a reprehension for a former offence, viz. the offence of withholding from the Directors that very explanation which he ought to have given in the first instance.

That

That the said Warren Hastings, in his answer to the said questions, cautiously avoids affirming or denying any thing in clear positive terms, and professes to recollect nothing with absolute certainty. That he has not, even now, informed the Directors of the name of any one person from whom any part of the money in question was received, nor what was the motive of any one person for giving the same. That he has, indeed, declared, that his motive for lending to the Company, or depositing in their treasury, in his own name, money which he has, in other places, declared to be their property, was to avoid ostentation, and that *lending* the money was *the least liable to reflection*; yet, when he has stated these and other conjectural motives for his own conduct, he declares *he will not affirm, though he is firmly persuaded, that those were his sentiments on the occasion*. That of one thing only the said Warren Hastings declares he is *certain*, viz. "That it was his design originally to have *concealed* the receipt of all the sums, except the second, even from the knowledge of the Court of Directors; but that when fortune threw a sum in his way of a magnitude *which could not be concealed*, and the peculiar delicacy of his situation, at the time in which he received it, made him more circumspect of appearances, he *chose* to apprise his employers of it." That the said Warren Hastings informs the Directors, that he had indorsed the bonds taken by him for money belonging to the Company, and lent by him to the Company, *in order to guard against their becoming a claim on the Company, as part of his estate in the event of his death*; but he has not affirmed, nor does it any where appear, that he has *rendered* the said bonds, as he ought to have done.

XXX.

THAT the said Warren Hastings, in affirming that he had not time to answer the questions put to him by the Directors while he was in Bengal—in not bringing with him to England the documents necessary to enable him to answer those questions, or in pretending that he has not brought them—in referring the Directors back again to Bengal for those documents, and for any farther

ther information on a subject on which he has given them no information, and particularly in referring them back to a person in Bengal for a paper, which he says contained the *only* account he ever kept of the transaction, while he himself professes to doubt whether that paper *be still in being*, whether *it be in the hands* of that person, or whether that person *can recollect any thing distinctly concerning it*—has been guilty of gross evasions, and of palpable prevarication and deceit, as well as of contumacy and disobedience to the lawful orders of the Court of Directors; and thereby confirmed all the former evidence of his having constantly used the influence of his station for the most scandalous, illegal, and corrupt purposes.

No. IX.

Resignation, and unjustifiable Retention of the Government.

I.

THAT Warren Hastings having, by his agent, Lauchlin Maclean, Esq. on the 10th day of October, in the year 1776, “signified to the Court of “Directors, his desire to resign his office of Governor “General of Bengal, and requested their nomination “of a successor to the vacancy which would be there- “by occasioned in the Supreme Council:” the Court of Directors did thereupon desire the said Lauchlin Maclean “to inform them of the authority under “which he acted in a point of such very great importance;” and the said Lauchlin Maclean “signifying thereupon his readiness to give the Court every “possible satisfaction on that subject, but the powers “with which he was intrusted by the papers in his “custody, being mixed with other matters of a nature extremely confidential, he would submit the “same to the inspection of any three of the members
“ of

“ of the Court :” the said Court of Directors empowered the Chairman, Deputy Chairman, and Richard Beecher, Esq. to inspect the authorities, powers, and directions, with which Mr. Maclean was furnished by Mr. Hastings, to make the propositions contained in his letter of the 10th of October 1776, and to report their opinion thereon. And the said Committee did accordingly, on the 23d of the said month, report, “ That, having conferred with Mr. Maclean on the “ subject of his letter presented to the Court the 11th “ instant, they found, that, from the purport of Mr. “ Hastings’s instructions, contained in a paper in his “ own hand writing, given to Mr. Maclean, and produced by him to them, Mr. Hastings declared, he “ would not continue in the government of Bengal, “ unless certain conditions, therein specified, could be “ obtained, of which they saw no probability; and “ Mr. George Vansittart had declared to them, that he “ was present when these instructions were given to “ Mr. Maclean, and when Mr. Hastings empowered “ Mr. Maclean to declare his resignation to the said “ Court; that Mr. Stewart had likewise confirmed to “ them, that Mr. Hastings declared to him, that he “ had given directions to the above purpose by Mr. “ Maclean.”

II.

AND the Court of Directors having received from the said report, due satisfaction respecting the authority vested in the said Lauchlin Maclean, to propose the said resignation of the office of Governor General of Bengal, did unanimously resolve to accept the same; and did also, under powers vested in the said Court by the act of the 13th year of His present Majesty, “ nominate and appoint Edward Wheler, Esq. to succeed to the office in the Council of Fort William, “ in Bengal, which will become vacant by the said “ resignation, if such nomination shall be approved by “ His Majesty :” which nomination and appointment was afterwards in due form approved and confirmed by His Majesty.

III. THAT

III.

THAT the Court of Directors did, by a postscript to their general letter, dated 25th October 1776, acquaint the Governor General and Council at Calcutta, of their acceptance of the said resignation; of their appointment of Edward Wheler, Esq. to fill the said vacancy, and of His Majesty's approbation of the said appointment, together with the grounds of their said proceedings; and did transmit to the said Governor General and Council, copies of the said instruments of appointment and confirmation.

IV.

THAT the said dispatches from the Court of Directors were received at Calcutta, and were read in Council on the 19th day of June, in the year 1777; and that Warren Hastings, Esq. having taken no steps to yield the government to his successor, General Clavering, and having observed a profound silence on the subject of the said dispatches, he, the said General Clavering, did, on the next day, being the 20th of June, by a letter addressed to the said Warren Hastings, require him to surrender the keys of Fort William, and of the Company's treasuries; but the said Warren Hastings did positively refuse to comply with the said requisition, "denying that his office was vacated, and declaring his resolution to assert and maintain his authority by every legal means."

V.

THAT the said General Clavering, conceiving that the office of Governor General was vacated, by the arrival of the said dispatches, which acquainted the Council General of the resignation of the said Warren Hastings, and the appointment of the said Edward Wheler, Esq., and that he, the said General Clavering, had, in consequence thereof, legally succeeded, under the provisions of the act of the 13th year of His present Majesty's reign to the said office of Governor General, become vacant in the manner aforesaid; did, in virtue thereof, issue, in his own name, summonses to Richard Barwell, Esq. and Philip Francis, Esq. members

members of the Council, to attend the same; and in the presence of the said Philip Francis, Esq. who obeyed the said summons, did take the oaths as Governor General, and did sit and preside in Council as Governor General, and prepared several acts and resolutions in the said capacity of Governor General; and did, amongst other things, prepare a proclamation to be made of his said succession to the government, and of its commencing from the date of the said proclamation; but did not carry any of the acts or resolutions so prepared into execution.

VI.

THAT the said Warren Hastings did, notwithstanding thereof, and in pursuance of his resolution, to assert and maintain his authority, illegally and unjustifiably summon the Council to meet in another department, and did sit and preside therein, apart from the said General Clavering and his Council; and in conjunction with Richard Barwell, Esq. who concurred therein; issued sundry orders, and did sundry acts of government belonging to the office of Governor General; and, amongst others, did order several letters to be written in the name of the Governor General and Council, and did subscribe the same, to the Commandant of the garrison of Fort William; and to the commanding Officer at Barrackpore; and the commanding Officers at the other stations; and also to the Provincial Councils, and Collectors in the provinces; enjoining them severally "to obey no order, excepting such as should be signed by the said Warren Hastings, or a majority of his Council."

VII.

THAT the said Warren Hastings did, by the said proceedings, which were contrary both to law and to good faith, constitute a double government, thereby destroying and annihilating all government whatever; and, by his orders to the military officers, did prepare for open resistance by arms, exposing thereby the settlement and all the inhabitants, subjects of, or dependent on, the British Government, whether native or Euro-

European, not only to political distractions, but to the horrors of civil war; and did, by exposing the divisions and weakness of the Supreme Government, and thereby loosening the obedience of the provinces, shake the whole foundation of British authority, and imminently endanger the existence of the British nation in India.

VIII.

THAT the said evils were averted only by the moderation of the said General Clavering, and Philip Francis, Esq. in consenting to a reference, and submitting to the decision of the Judges of the Supreme Court of Judicature, although they entertained no doubts themselves on the legality of their proceedings, and the validity of General Clavering's instant right to the chair; and although they were not in any way bound by law to consult the said Judges, who had no legal or judicial authority therein, in virtue of their offices, or as a Court of Justice; but were consulted, and interposed their advice only as individuals, by the voluntary reference of the parties in the said dispute. And the said Warren Hastings, by his declaration, entered in minutes of Council, "that it was his determination to abide by the opinion of the Judges," and by the measures he had previously taken as aforesaid, to enforce the same by arms, did risque all the dangerous consequences above mentioned; which must have taken place, if the said General Clavering, and Philip Francis, Esq. had not been more tender of the public interests, and less tenacious of their own rights, and had persisted in their claim, as they were by law intitled to do, the extra-judicial interposition of the Judges notwithstanding; and from which claim they receded only from their desire to preserve the peace of the settlement, and to prevent the mischiefs which the illegal resistance of the said Warren Hastings would otherwise infallibly have occasioned.

IX.

THAT after the said Judges had delivered their opinion, "That the place and office of Governor General
" neral

“ neral of this Presidency, had not yet been vacated
 “ by Warren Hastings, and that the actual assump-
 “ tion of the government, by the Member of the
 “ Council next in succession to Mr. Hastings, in con-
 “ sequence of any deduction which could be made
 “ from the papers communicated to them, would be
 “ absolutely illegal.” And after the said General Cla-
 vering, and Philip Francis, Esq. had signified to the
 said Warren Hastings, by a letter dated the 21st of
 June, “ their intention to acquiesce in the said opi-
 “ nion of the Judges;” and when the differences in
 the Supreme Council were by these means composed,
 and the calamities consequent thereon were avoided,
 the said Warren Hastings, and Richard Barwell, Esq.
 did once more endanger the public peace and security,
 by other illegal, unwarrantable, and unprovoked acts
 of violence; having omitted to summon either the said
 General Clavering, or the said Philip Francis, Esq.
 to Council; and having, in a Council held thus pri-
 vately and clandestinely, and contrary to law, on
 the 22d day of June, come to the following resolu-
 tion, viz.

X.

“ Resolved, — That by the said acts, orders, and
 “ declarations of Lieutenant-general John Clavering,
 “ recited in the foregoing papers [meaning the pro-
 “ ceedings of General Clavering, in his separate
 “ Council on the 20th of June] he has actually
 “ usurped and assumed, and taken possession of the
 “ place and office of Governor General of the Presi-
 “ dency of Fort William in Bengal, granted by the
 “ act of the 13th of His present Majesty to Warren
 “ Hastings, Esq.

“ Resolved, — That Lieutenant-General John Cla-
 “ vering has thereby relinquished, resigned, surren-
 “ dered, and vacated, the office of Senior Counsellor
 “ of Fort William in Bengal.

“ Resolved, — That Lieutenant-general John Cla-
 “ vering has thereby relinquished, resigned, surren-
 “ dered,

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“ dered, and vacated his place of Commander in
 “ Chief of the Company’s forces in India.

“ Resolved,—That Richard Barwell, Esq. by vir-
 “ tue of the said act of Parliament, and by the death
 “ of the Honourable George Monson, Esq. is pro-
 “ moted to the office of Senior Counsellor of the Pre-
 “ fidency of Fort William in Bengal, in consequence
 “ of the said relinquishment, resignation, surrender,
 “ and vacation of General Clavering.

“ Resolved, — That the office of Commander in
 “ Chief of the Company’s forces in India, by the re-
 “ linquishment, resignation, surrender, and vacation,
 “ of General Clavering, and by the death of the
 “ Honourable George Monson, Esq. does no longer
 “ exist.

“ Resolved, — That, for the preservation of the
 “ legality of our proceedings, Lieutenant-general
 “ John Clavering be not in future summoned or ad-
 “ mitted as a member of the Governor General and
 “ Council.”

And the said Warren Hastings and Richard Barwell,
 Esq. did again sit in Council on the next day, being
 the 23d of June, without summoning either General
 Clavering, or Philip Francis, Esq.; and did come to
 several other resolutions, and make several orders,
 contrary to law or justice, and inconsistent with the
 tranquillity and the security of the settlement; that is
 to say, they ordered their secretary “ to notify to Ge-
 “ neral Clavering, that the Board had declared his
 “ offices of Senior Counsellor and Commander in Chief
 “ to be vacant; and to furnish him with a copy of
 “ these proceedings, containing the grounds of the
 “ Board for the aforesaid declaration.”

And they ordered extracts of the said proceedings
 “ to be issued in general orders, with letters to all
 “ the provincial councils and military stations, direc-
 “ ting them to publish the same in general orders:”
 and

and they resolved, " That all military returns be made
 " to the Governor General and Council, in their mi-
 " litary department, until a Commander in Chief shall
 " be appointed by the Company."

XI.

THAT on the day following, that is to say, on the
 24th of June, the said Warren Hastings did again
 omit to summon General Clavering to Council, and
 did again, together with Richard Barwell, Esq. who
 concurred therein, adhere to and confirm the said ille-
 gal resolutions come to on the two former days, de-
 claring, " that they could not be retracted but by
 " the present authority of the law, or by future or-
 " ders from home;" and aggravating the guilt of the
 said unjustifiable acts, by declaring, as the said War-
 ren Hastings did, " that they were not the precipitate
 " effects of an instant and passionate impulse; but the
 " fruits of long and most temperate deliberations, of
 " inevitable necessity, of the strictest sense of public
 " duty, and of a conviction equal in its impression on
 " his mind to absolute certainty."

XII.

THAT the said Warren Hastings was the less excu-
 sable in this obstinate adherence to his former unjust
 proceedings, as the said declarations were made in an-
 swer to a motion made by Philip Francis, Esq. for the
 reversal of the said proceedings, and to a minute intro-
 ducing the said motion; in which Mr. Francis set
 forth, in a clear and forcible manner, and in terms
 with which the Court of Directors have since declared
 their entire concurrence, both the extreme danger and
 the illegality and invalidity of the said proceedings of
 Warren Hastings and Richard Barwell, Esq. conclud-
 ing the said minute by the following conciliatory de-
 claration: " And, that this salutary motion may not
 " be impeded by any idea or suspicion that General
 " Clavering may do any act inconsistent with the ac-
 " quiescence which both he and I have avowed in
 " the decision of the judges, I will undertake to an-
 " swer for him in this respect; or that, if he should

“ depart from the true spirit and meaning of that act
 “ quiescence, I will not be a party with him in such
 “ proceedings.”

XIII.

THAT the said Warren Hastings could not plead ignorance of the law in excuse for the said illegal acts, as it appears, from the proceedings of the four preceding days, that he was well acquainted with the tenure by which the members of the Council held their offices under the act of the 13th of His present Majesty, and had stated the same as a ground for retaining his own office, contrary to an express declaration of the Court of Directors, and an instrument under the sign manual of His Majesty : and the Judges of the Supreme Court, in their reasons for their decision in his favour, had stated the provisions in the said act, so far as they related to the matter in dispute ; from which it appeared, that there were but four grounds on which the office of any member of the Council could be vacated ; namely, death, removal, resignation, or promotion. And as the act confined the power of removal to “ His Majesty, his heirs and successors, “ upon representation made by the Court of Directors of the said United Company for the time being ;” and conferred no such power on the Governor General, or a majority of the Council, to remove, on any ground, or for any cause whatever, one of their colleagues ; so, granting the claim of General Clavering to the chair, and his acts done in furtherance thereof, to have been illegal and criminal in whatever degree, yet it did not furnish to the rest of the Council any ground to remove him from his office of counsellor, under the provisions of the said act ; and there could therefore remain only his *resignation* or *promotion*, as a possible means of vacating his said office. But with regard to the promotion of General Clavering to the office of Governor General, although he claimed it himself, yet as Mr. Hastings did not admit it, and as, in fact, it was even receded from by General Clavering, it could not be considered, at least by Mr. Hastings, as a valid ground for vacating his office of senior counsellor, since the

the act requires for that purpote, not a rejected claim, but an actual and effectual promotion; and General Clavering's office of counsellor could no more be vacated by such a naked claim, unsupported and disallowed, than the seat of a member of the House of Commons could be vacated, and a new writ issued to supply the vacancy, by his claim to the office of steward of the Chiltern Hundreds, when His Majesty has refused to appoint him to the said office. And with regard to resignation, although the said Warren Hastings, as a colour to his illegal resolutions, had affectedly introduced the word "resigned," amongst those of "relinquished, surrendered, and vacated," yet he well knew that General Clavering had made no offer or declaration of his resignation of his offices of Senior Counsellor and Commander in Chief; and that he did not claim the office of Governor General on the ground of any such resignation made by himself, but on the ground of a resignation made by the said Warren Hastings; which resignation the said Warren Hastings did not admit; and the use of the term *resigned*, on that occasion, was therefore a manifest and a wilful misconstruction and misapplication of the words of the act of His present Majesty. And such misinterpretation and false extension of the term of resignation was the more indecent in the said Warren Hastings, as he was at the same moment disavowing and refusing to give effect to his own clear and express resignation, according to the true intent and meaning of the word, as used in the said act, made by his agent, duly authorized and instructed by himself so to do, to an authority competent to receive and accept the same.

XIV.

THAT although the said Warren Hastings did afterwards recede from the said illegal measures, in compliance with the opinion and advice of the Judges again interposed, and did thereby avoid the guilt of such farther acts, and the blame of such farther evils, as must have been consequent on a persistence therein; yet he was, nevertheless, still guilty of the illegal acts
above

above described; and the same are great crimes and misdemeanors.

XV.

THAT, although the Judges did decide that the office of Governor General, held by the said Warren Hastings, was not *ipso facto*, and *instante*, vacated by the arrival of the said dispatches and documents, transmitted by the Court of Directors; and did consider the said consequences of the resignation as awaiting some future act or event for its complete and effectual operation; yet the said Judges did not declare any opinion on the ultimate invalidity of the said acts of Lauchlin Maclean, Esq., as not being binding on his principal, Warren Hastings, Esq., nor did they declare any opinion, that the obligation of the said resignation was not from the beginning conclusive and effectual, although its operation was, from the necessity of the case, on account of the distance between England and India, to take place only in future; or that the said resignation made by Lauchlin Maclean, Esq., was only an offer or proposal of a resignation to be made at some future and indefinite period, or a mere intimation of the desire of Warren Hastings, Esq. to resign at some future and indefinite period, and that the said resignation, notwithstanding the acceptance thereof by the Court of Directors, and the regular appointment and confirmation of a successor, was still to remain optional in the said Warren Hastings, to be ratified or departed from at his future choice or pleasure: nor did the said Judges pronounce, nor do any of their reasonings which accompanied their decision tend to establish it as their opinion, that even the time for ratifying and completing the said transaction was to be at the sole discretion of the said Warren Hastings; but they only delivered their opinion, as aforesaid, that his said office "has not yet been vacated, and (therefore) that the *actual* assumption of the Government by the member of the Council next in succession was (in the actual circumstances, and *rebus sic stantibus*) illegal."

XVI. THAT

XVI.

THAT the said Warren Hastings does no where himself contend, that the said resignation was not absolute, but optional, according to the true meaning and understanding of the parties in England, and so far as the acts of Lauchlin Maclean, Esq., and the Court of Directors, were binding on him; but, on the contrary, he grounds his refusal to complete the same, not on any interpretation of the words in which the said resignation, and the other instruments aforesaid, were conceived, but rather on a disavowal (not direct indeed, but implied) of his said agent, and of the powers under which the said agent had claimed to act in his behalf. Neither did the said Warren Hastings ground his said refusal on any objection to the particular day, or period, or circumstances, in which the requisition of General Clavering was made; nor accompany the said refusal with any qualification in that respect, or with any intimation that he would at any future or more convenient season, comply with the same; although such an intimation might probably have induced General Clavering to waive an instant and immediate claim to the chair, and might, therefore, have prevented the distractions which happened, and the greater evils which impended, in consequence of the said claim of General Clavering, and the said refusal of Warren Hastings, Esq.; but the said Warren Hastings did, on the contrary, express his said refusal in such general and unqualified terms, as intimated an intention to resist absolutely and altogether, both then and at any future time, the said requisition of General Clavering. And the subsequent proceedings of the said Warren Hastings do all concur in proving that such was his intention: for he did afterwards, in conformity to the advice of the Judges, move a resolution in Council, "That all parties be placed in the same situation in which they stood before the receipt of the last advices from England; reserving and submitting to a decision in England, the respective claims that each party may conceive they have a right to make, but not acting upon those claims till such decision shall arrive in Bengal;" thereby clearly and explicitly declaring, that

that it was not his intention to surrender the government until such decision should arrive in Bengal, which could not be expected in less time than a year and a half after the date of the said resolution; and thereby clearly and explicitly declaring, that he did not consider his resignation as binding for the present. And the said intention was manifested, if possible, still more directly and expressly, in a letter written by the said Warren Hastings to the Court of Directors, dated the 15th of August 1777, being almost two months after the receipt of the said dispatches; in which the said Warren Hastings declares, that "he did not hold himself bound by the notification made by Mr. Macleane, nor by any of the acts consequent of it."

XVII.

THAT, such appearing to have been the intention of the said Warren Hastings, General Clavering was justified in immediately assuming the Government, without waiting for any future act of the said Warren Hastings for the actual surrender of the said Government, none such being likely to happen; and Philip Francis, Esq., was justified in supporting General Clavering in the same, on the soundest principles of justice, and on a maxim received in courts of equity, namely, That no one shall avail himself of his own wrong; and that, if any one refuse or neglect to perform that which he is bound to do, the rights of others shall not be prejudiced thereby, but such acts shall be deemed and reputed to have been actually performed, and all the consequences shall be enforced, which would have followed from such actual performance; and therefore the resolutions moved and voted in Council by the said Warren Hastings, declaring the offices of General Clavering to be vacant, were not only illegal, inasmuch as the said Warren Hastings had no authority to warrant such a declaration, even on the supposition of the acts of General Clavering being contrary to law; but the said resolutions were farther highly culpable and criminal, inasmuch as the said acts done by General Clavering, which were made the pretence of that proceeding, were strictly regular and legal.

XVIII. THAT

XVIII.

THAT the refusal of the said Warren Hastings to ratify the said resignation, and his disavowal of the said Lauchlin Maclean, his agent, is not justified by any thing contained in the said letter to the Court of Directors, dated on the 15th of August 1777, the said Warren Hastings no where directly and positively asserting that the said Lauchlin Maclean was not his agent, and had not both full and general powers, and even particular instructions, for this very act, although the said Warren Hastings uses many indirect and circuitous, but insufficient and inapplicable, insinuations to that effect. And the said letter does, on the contrary, contain a clear and express avowal that the said Lauchlin Maclean was his confidential agent; and that in that capacity he acted throughout, and particularly in this special matter, with zeal and fidelity. And the said letter does farther admit, in effect, the instructions produced by the said Lauchlin Maclean, Esq., confirmed by Mr. Vansittart and Mr. Stewart, and relied on and confided in by the Court of Directors, by which the said Lauchlin Maclean appeared to be specially empowered to declare the said resignation; the words of the said instruction being as follow: "That he (Mr. Hastings) *will not continue in the Government of Bengal*, unless certain conditions therein specified can be obtained:" and the words of the said letter being as follow: "What I myself know with certainty, or can recollect at this distance of time, concerning the powers and instructions which were given to Messrs. Maclean and Graham, when they undertook to be my agents in England, I will circumstantially relate.

"I am in possession of two papers which were presented to those gentlemen at the time of their departure from Bengal; one of which comprises four short propositions, *which I required as the conditions of my being confirmed in this Government.*"

And although the said Warren Hastings does here artfully somewhat change the words of his written instructions

structions (and which, having in his possession, he might as easily have given verbatim) to other words, which may appear less explicit, yet they are, in fact, capable of only the same meaning; for as, at the time of giving the said instructions to his agents, he was in full possession of his office, he could want no confirmation therein, except his *own*; and, in such circumstances, "to require certain things, *as the condition of his being confirmed in his Government,*" is tantamount to a declaration, "*that he will not continue in his Government unless those conditions can be obtained.*" And the said attempt at prevarication can serve its author the less, as either both sentences have one and the same meaning, or if their meaning be different, the original instructions in his own hand writing, or, in other words, the thing itself, must be preferred as evidence of its contents, to a loose statement of its purport, founded perhaps on a loose recollection of it at a great distance of time.

XIX.

THAT the said refusal of Warren Hastings, Esq. was a breach of of faith with the Court of Directors and His Majesty's Ministers in England, as the said resignation was not merely a voluntary offer, without any consideration, and therefore subject to be recalled or retracted at the Pleasure of the said Warren Hastings, but ought rather to be considered as having been the result of a negotiation carried on between Mr. Maclean, for the benefit of Warren Hastings, Esq. on the one hand, and by the Court of Directors, for the interests of the Company on the other: which view of the transaction will appear the more probable, when it is considered that, at the time of the said resignation, a strict inquiry had been carrying on, by the Court of Directors, into the conduct of the said Warren Hastings; and the Solicitor and Counsel to the Company, and other eminent Counsel, had given it as their opinions, on cases stated to them, that there were grounds for suing the said Warren Hastings in the courts of law and equity, and that the Company would be entitled to recover in the said suits against Warren Hastings, Esq. several very large

ARTICLE IX.

27

large sums of money, taken by him in his office of Governor General, contrary to law, and in breach of his covenants, and of his duty to the Company and the Public; and the Court of Directors had also come to various severe resolutions of censure against the said Warren Hastings, and, amongst others, to a resolution to recal the said Warren Hastings, and, remove him from his office of Governor General to answer for sundry great crimes and delinquencies by him committed in his said office.

And, on these accounts, it appears probable, that the said resignation was tendered and accepted, as a consideration for some beneficial concessions made in consequence thereof to the said Warren Hastings, in his said dangerous and desperate condition.

And the said refusal was also an act of great disrespect to the Court of Directors, and to his Majesty; and, by rendering abortive their said measures, solemnly and deliberately taken, and ratified and confirmed by His Majesty, tended to bring the authority of the Court of Directors, and of His Majesty, into contempt.

And the said refusal was an injury to General Clavering.

And was also, or might have been, a great injury to Edward Wheler, Esq.

And was an act of signal treachery to Lauchlin Macleane, Esq.; as also to Mr. Vansittart and Mr. Stewart, whose honours and veracity were thereby brought into question, doubt, and suspicion.

And the said refusal was prejudicial to the affairs of the servants of the Company in India, by shaking the confidence to be placed in their agents by those persons with whom it might be for their interests to negotiate on any matter of importance, and by thus subjecting the communication of persons abroad with those at home to difficulties not known before.

ARTICLE X. XI.

No. X.

Surgeon General's Contract.

THAT the said Warren Hastings, in the year 1777, did grant to the Surgeon General a contract for three years for defraying every kind of hospital and medicinal expence, not only in breach of the general orders of the Court of Directors with respect to the duration of contracts, but in direct opposition to a particular order of the Court of Directors, of the 30th of March 1724, when they directed, "that the surgeon should not be permitted to enjoy any emolument arising from his being concerned in dieting the patients; and that the occupations of surgeon and contractor should be forthwith separated." That the said contract was in itself highly improper, and inconsistent with the good of the service; as it afforded the greatest temptation to abuse, and establish a pecuniary interest in the Surgeon General contrary to the duties of his station and profession.

No. XI.

Poolbundy * Contract.

I.

THAT the Governor General and Council at Fort William did, on the motion and recommendation of Warren Hastings, Esquire, enter into a contract with Archibald Frazer, Esquire, on the 16th of April 1778, for the repairs of the pools and banks in the province of Burdwan, for two years, at the rate of 120,000 Sicca Rupees for the first year, and 80,000 rupees for the second year.

* For repairing pools and banks.

II. THAT

II.

THAT on the 19th of December 1778, the said Warren Hastings did farther persuade the Supreme Council to prolong the Term of the above contract with Archibald Frazer for the space of three years more, on the same conditions; namely the payment of 80,000 Sicca rupees for each year, To which was added, a permission to Mr. Frazer to make *dobunds*, or special repairs, whenever he should judge them necessary, at the charge of Government.

III.

THAT the said contracts, both in the manner of their acceptance by the Supreme Council, without having previously advertised for proposals, and in the extent of their duration, were made in direct violation of the special Orders of the Court of Directors.

IV.

THAT so far from any advantage having been obtained for the Company, in the terms of these contracts, in consideration of the length of time for which they were to continue, the expence of Government upon this Article was increased by these engagements to a very great amount,

V.

THAT it appears that this contract had been held for some years before by the Rajah of Burdwan, at the rate of 25,000 rupees per annum.

VI.

THAT the superintendant of Poolbundy repairs, after an accurate and diligent survey of the Bunds and Pools, and the Provincial Council of Burdwan, upon the best information they could procure, had delivered it as their opinion to the Governor General and Council, before the said agreement was entered into, that after the heavy expence, (stated in Mr. Kinlock's estimate, viz. 119,405 Sicca rupees,) if disbursed as they recommended, the charge in future seasons would be greatly reduced; and after one thorough and effectual repair, they conceived a
small

Small annual expence would be sufficient to keep the bunds up, and prevent their going to decay.

VII.

THAT whatever extraordinary and unusual damages the pools and bunds might have sustained, either from the neglect of the Rajah's officers, or from the violence of the then late rains, and the torrents thereby occasioned, to justify the expence of the first year, yet as they were all considered and included in the estimate for that year, there could be no pretence for allowing and continuing so large and burdensome a payment as 80,000 rupees per annum, for the four succeeding years.

VIII.

THAT the said Warren Hastings did, in his minutes of the 13th of February 1778, himself support that opinion, in the comparison to be made between Mr. Thomson's proposals of undertaking the same service for 60,000 rupees a year, for nine years, and the terms of Mr. Frazer's contracts; preferring the latter, because these were "to effect a complete repair, which could hardly be concluded in one season, and the subsequent expence would be but trifling." Notwithstanding which, the said Warren Hastings urged and prevailed upon the Council to allow in the first year the full amount proposed by Mr. Kinlock in his estimate of the necessary repairs and did burden the Company with what he must have deemed to be for the greater part an unnecessary expence of 80,000 rupees per annum, for four years.

IX.

THAT the permission granted to Mr. Frazer to make do bunds, or new and additional embankments of the old ones, whenever he should judge them necessary, at the charge of Government, (the said Charge to be verified by the oath of the said Frazer, without any voucher,) was a power very much to be suspected, and very improper to be entrusted to a contractor, who had already covenanted to keep the old pools in perfect repair, and

to construct new ones wherever the old pools had been broken down and washed away, or where the course of the rivers might have rendered new ones necessary, in consideration of the great sums stipulated to be paid to him by the Government.

X.

THAT the grant of the foregoing contracts, and the permission afterwards annexed to the second of the said grants, become much more reprehensible from a consideration of the circumstances of the person to whom such a grant was made.

XI.

THAT the due performance of the service required local knowledge and experience, which the said Archibald Frazer, being an officer in the Supreme Court of Justice, could not have possessed.

No. XII.

Opium Contract.

I.

THAT it appears that the opium produced in Bengal and Bahar is a considerable and lucrative article in the export trade of those provinces; that the whole produce has been for many years monopolized, either by individuals, or by the Government; that the Court of Directors of the East-India Company, in consideration of the hardship imposed on the native owners and cultivators of the lands, who were deprived of their natural right of dealing with many competitors, and compelled to sell the produce of their labour to a single monopolist, did authorize the Governor General and Council to give up that commodity as an article of commerce.

II. THAT

II.

THAT while the said commodity continued to be a monopoly for the benefit of Government, and managed by a contractor, the contracts for providing it were subject to the Company's fundamental regulation, namely, to be put up to auction, and disposed of to the best bidder; and that the Company particularly ordered, that the commodity, when provided, should be consigned to the Board of Trade, who were directed to dispose thereof by public auction.

III.

THAT in May 1777 the said Warren Hastings granted to John Mackenzie a contract for the provision of opium, to continue three years, and without advertising for proposals; that this transaction was condemned by the Court of Directors, notwithstanding a clause had been inserted in that contract, by which it was left open to the Court of Directors to annul the same at the expiration of the first or second year.

IV.

THAT, about the end of the year 1780, the said Warren Hastings, in contradiction to the order above mentioned, did take away the sale of the opium from the Board of Trade, though he disclaimed, at the same time, *any intention of implying a censure on their management.*

V.

THAT, in March, 1781, the said Warren Hastings did grant to Stephen Sullivan, son of Lawrence Sullivan, chairman of the Court of Directors of the East-India Company, a contract for the provision of opium, without advertising for proposals, and without even receiving any written proposals from him the said Sullivan; that he granted this contract for four years, and, at the request of the said Sullivan, did omit that clause which was inserted in the preceding contract, and by which it was rendered liable to be determined by orders from the Company; the said Warren Hastings declaring, contrary to truth, that such clause was now unnecessary, as the Directors *had approved* the contract.

VI. THAT

VI.

THAT the said Sullivan had been but a few months in Bengal, when the above contract was given to him; that he was a stranger to the country, and to all the local commerce thereof, and therefore unqualified for the management of such a concern; and that the said Sullivan, instead of executing the contract himself, did, shortly after obtaining the same, assign it over to John Benn and others; and, in consideration of such assignment, did receive from the said Benn a great sum of Money.

VII.

THAT, from the preceding facts, as well as from sundry other circumstances of restrictions taken off, (particularly by abolishing the office of inspector into the quality of the opium,) and of beneficial clauses introduced, it appears that the said Warren Hastings gave this contract to the said Stephen Sullivan, in contradiction to the orders of the Court of Directors, and without any regard to the interests of the India Company, for the sole purpose of creating an instant fortune for the said Sullivan at the expence of the India Company, without any claim of service or pretence of merit on his part, and without any apparent motive whatever, except that of securing or rewarding the attachment and support of his father, Laurence Sullivan, a person of great authority and influence in the direction of the Company's affairs, and notoriously attached to and connected with the said Warren Hastings.

VIII.

THAT the said Stephen Sullivan neither possessed, nor pretended to possess, any skill in the business of his contract; that he exerted no industry, nor shewed, or could shew, any exactness in the performance of it; since he immediately sold the contract for a sum of Money to another person (for the sole purpose of which sale, it must be presumed, the same was given;) by which person another profit was to be made; and by that person the same was again sold to a third, by whom a third profit was to be made.

G g

IX. THAT

IX.

THAT the said Warren Hastings, at the very time when he engaged the Company in a contract for engrossing the whole of the opium produced in Bengal and Bahar in the ensuing four years, on terms of such exorbitant profit to the contractor, affirmed, that "there was little prospect of selling the opium in Bengal at a reasonable price; and that it was but natural to suppose that the price of opium *would fall, from the demand being lessened.*"—That, in a letter dated the 5th of May 1781, he informed the Directors, "That, owing to the indifferent state of the markets last season to the eastward, and the very enhanced rates of insurance which the war had occasioned, they had not been able to dispose of the opium of the present year to so great an advantage as they expected; and that more than one half of it remained still in their warehouses."—That the said Warren Hastings was guilty of a manifest breach of trust to his constituents and his employers, in monopolizing for their pretended use an article of commerce, for which he declared *no purchaser had offered, and that there was little prospect of any offering; and the price of which, he said, it was but natural to suppose would fall.* That the said Warren Hastings having, by his own act, loaded the Company with a commodity, for which, either in the ordinary and regular course of public auction, or even by private contract, there was, as he affirmed, no sale, did, under pretence of finding a market for the same, engage the Company in an enterprize of great and certain expence, subject to a manifest risque, and full of disgrace to the East-India Company; not only in their political character, as a great sovereign power in India; but in their commercial character, as an eminent and respectable body of merchants: and that the execution of this enterprize was accompanied with sundry other engagements with other persons; in all of which the Company's interest was constantly sacrificed to that of individuals favoured by the said Warren Hastings.

X. THAT

X.

THAT the said Warren Hastings first engaged in a scheme to export one thousand four hundred and sixty chests of opium, on the Company's account, on board a ship belonging to Cudbert Thornhill; half of which was to be disposed of in a coasting voyage, and the remainder in Canton.—That, besides the freight and Commission payable to the said Thornhill, on this adventure, twelve pieces of cannon belonging to the Company were lent for arming the ship; though his original proposal was, that the ship should be armed at his expence. That this part of the adventure depending for its success on a prudent and fortunate management of various sales and re-sales, in the course of a circuitous voyage; and being exposed to such risque both of sea and enemy, that all private traders had declined to be concerned in it; was particularly unfit for a great trading Company, and could not be undertaken on their account with any rational prospect of advantage.

XI.

THAT the said Warren Hastings soon after engaged in another scheme for exporting two thousand chests of opium directly to China, on the Company's account, and for that purpose accepted of an offer made by Henry Watson, the Company's chief engineer, to convey the same in a vessel of his own, and to deliver it to the Company's supra cargoes.—That, after the offer of the said Henry Watson had been accepted, a letter from him was produced at the Board, in which he declared that he was unable to equip the ship with a proper number of cannon, and requested that he might be furnished with thirty-six guns from the Company's stores at Madras; with which request the Board complied.—That it appears that George Williamson, the Company's auctioneer at Calcutta, having complained that, by this mode of exporting the opium, which used to be sold by public auction, he lost his commission as auctioneer, the Board allowed him to draw a commission of one per cent. on all the opium which had been or was to be exported.—That it appears that the contractor for opium

(whose proper duties and emoluments, as contractor, ended with the delivery of the opium) was also allowed to draw a commission on the opium then shipping on the Company's account; but for what reason, or on what pretence, does not appear.

XII.

That the said Warren Hastings, in order to pay the said Stephen Sullivan in advance for the opium furnished, or to be furnished, by him in the first year of his contract, did borrow the sum of twenty lacks of rupees, at eight per cent., or 200,000*l.* sterling, to be repaid by drafts to be drawn on the Company by their *supra* cargoes in China, provided the opium consigned to them should arrive safe; but that if the adventure failed, whether by the loss of the ships or otherwise, the subscribers to the above loan were to be repaid their capital and interest out of the Company's treasury in Bengal.

XIII.

THAT the said Warren Hastings, having in this manner purchased a commodity, for which he said there was no sale, and paid for it with money which he was obliged to borrow at a high interest, was still more criminal in his attempt, or pretended plan to introduce it clandestinely into China. That the importation of opium into China is forbidden by the Chinese Government; that the opium, on seizure, is burnt; the vessel, that imports it, confiscated; and the Chinese, in whose possession it may be found for sale, punished with death.

XIV.

THAT the Governor General and Council were well aware of the existence of these prohibitions and penalties; and did therefore inform the *supra* cargoes in China, that the ship, belonging to the said Henry Watson, would enter the river at China as an armed ship, *and would not be reported as bearing a cargo of opium, that being a contraband trade.*—That of the above two ships, the first, belonging to Cudbert Thornhill, was
taken

taken by the French; and that the second, arriving in China, did occasion much embarrassment and distress to the Company's *supra* cargoes there, who had been previously consulted on the formation of the plan, and were exposed to great difficulty and hazard in the execution of their part of it. That the ship was delayed, at a demurrage of an hundred dollars a day, for upwards of three months, waiting in vain for a better market.—The factory estimate the *loss* to the Company, including port charges, demurrage, and factory charges allowed the Captain, at sixty-nine thousand nine hundred and ninety-three dollars, or about twenty thousand pounds sterling.

XV.

THAT the Company's factory at China, after stating the foregoing facts to the Court of Directors, conclude with the following general observation thereon:—"On
 " a review of these circumstances, with the extravagant
 " and unusual terms of the freight, demurrage, factory charges, &c. &c. we cannot help being of opinion, that private considerations have been suffered to
 " interfere too much for any benefit that may have been
 " intended to the honourable Company. We hope for
 " the Honourable Court's approbation of our conduct
 " in this affair. The novelty and nature of the consignments have been the source of much trouble and anxiety; and, though we wished to have had it in our
 " power to do more, we may truly say we have exceeded our expectations."

XVI.

THAT every part of this transaction, from the monopoly with which it commenced to the contraband dealing with which it concluded, criminales the said Warren Hastings with willful disobedience of orders, and a continued breach of trust: that every step taken in it was attended with heavy loss to the Company, and with a sacrifice of their interest to that of individuals: and that, if finally a profit had resulted to the Company from such a transaction, no profit attending it could compensate for the probable risk to which their trade in China was

was thereby exposed; or for the certain dishonour, and consequent distrust which the East-India Company must incur in the eyes of the Chinese government, by being engaged in a low, clandestine traffic, prohibited by the laws of the country.

No. XIII.

Criminal Appointments of R. J. Sullivan.

I.

THAT, in the month of February 1781, Mr. Richard Joseph Sullivan, Secretary to the Select Committee at Fort St. George, applied to them for leave to proceed to Calcutta *on his private affairs*. That, being the Confidential Secretary to the Select Committee at Fort St. George, and consequently possessed of all the views and secrets of the Company, as far as they related to that government, he went privately into the service of the Nabob of Arcot; and, under the pretence of proceeding to Calcutta on his private business, undertook a commission from the said Nabob to the Governor General and Council, to negotiate with them in favour of certain projects of the said Nabob, which had been rebrobated by the Company.

II.

THAT the said Sullivan was soon after appointed back again, by the said Warren Hastings, to the office of Resident at the Durbar of the said Nabob of Arcot. That it was a high crime and misdemeanor in the said Hastings, to encourage so dangerous an example in the Company's service, and to interfere unnecessarily with the Government of Madras, in the discharge of the duties peculiarly ascribed to them by the practice and orders of the Company, for the purpose of appointing to a great and confidential situation a man who had so recently committed a breach of trust to his employers.

III. THAT

III.

THAT the Court of Directors, in the letter to Bengal dated the 12th of July 1782, and received there on the 18th of February 1783, did *condemn and revoke* the said appointment. That the said Directors, in theirs to Fort St. George, dated the 28th of August 1782, and received there the 31st of January 1783, did highly condemn the conduct of the said Sullivan; and, in order to deter their servants from practices of the same kind, *did dismiss him from their service.*

IV.

THAT the said Hastings, knowing that the said Sullivan's appointment had been condemned and revoked by the Court of Directors, and pretending that, on the 15th of March 1783, he did not know that the said Sullivan was *dismissed* from the Company's service, though that fact was known at Madras on the 31st of the preceding January, did recommend the said Sullivan to be Ambassador at the Court of Nizam Ally Cawn, Subahdar of the Decan, in defiance of the authority and orders of the Court of Directors.

V.

THAT even admitting, what is highly improbable; that the *dismissal* of the said Sullivan from the service of the said Company was not known at Calcutta, in forty-three days, from Madras, the last mentioned nomination of the said Sullivan was made at least in contempt of the censure already expressed by the Court of Directors at his former appointment to the Durbar of the Nabob of Arcot, and which was certainly known to the said Hastings.

 No. XIV.

Treachery to the Ranna of Gohud.

I.

THAT on the 2d of December 1779, the Governor General and Council of Fort William, at the special recommendation and instance of Warren Hastings,

ings, Esq. then Governor General, and contrary to the declared opinion and protest of three of the members of the Council; viz. Philip Francis and Edward Wheler, Esqrs. who were present; and of Sir Eyre Coote, who was absent (by whose absence the casting voice of the said Warren Hastings, Esq. prevailed); did conclude a treaty of perpetual friendship and alliance, offensive and defensive, with a Hindoo Prince, called the Ranna of Gohud, for the express purpose of using the forces of the said Ranna in opposition to the Mahrattas.

II.

THAT, among other articles, it was stipulated with the said Ranna, by the said Warren Hastings, "That
" whenever peace should be concluded between the
" Company and the Mahratta State, the Maha Raja
" should be included as a party in the treaty which
" should be made for that purpose, and his present
" possessions, together with the Fort of Gualior, which
" of old belonged to the family of the Maha Rajah,
" if it should be then in his possession, and such coun-
" tries as he should have acquired in the course of
" war, and which it should then be stipulated to leave
" in his hands, should be guaranteed to him by such
" treaty."

III.

THAT in the late war against the Mahrattas, the said Ranna of Gohud did actually join the British army, under the command of Colonel Muir, with two battalions of infantry, and 1200 cavalry, and did then serve in person against the Mahrattas, thereby affording material assistance, and rendering essential service to the Company.

IV.

THAT, in conformity to the above-mentioned treaty, in the fourth article of the treaty of peace, concluded on the 13th of October 1781, between Colonel Muir on the part of the English Company, and Madajee Scindia the Mahratta General, the said Ranna of Gohud was expressly included.

V. THAT

V.

THAT, notwithstanding the said express provision and agreement, Madajee Scindia proceeded to attack the forts, and lay waste the territories of the said Ranna, and did undertake and prosecute a war against him for the space of two years; in the course of which, the Ranna, and his family were reduced to extreme distress, and in the end he was deprived of his forts, and the whole not only of his acquired possessions, but of his original dominions, so specially guaranteed to him by the British Government in both the above-mentioned treaties.

VI.

THAT the said Warren Hastings was duly and regularly informed of the progress of the war against the Ranna, and of every event thereof; notwithstanding which, he not only neglected in any manner to interfere therein in favour of the said Ranna, or to use any endeavours to prevent the infraction of the treaty, but gave considerable countenance and encouragement to Madajee Scindia in his violation of it, both by the residence of the British Minister in the Mahratta camp, and by the approbation shewn by the said Warren Hastings to the promises made by his agent of observing the strictest neutrality, notwithstanding he was in justice bound, and stood pledged by the most solemn and sacred engagements, to protect and preserve the said Ranna from those enemies, whose resentment he had provoked only by his adherence to the interests of the British nation.

VII.

THAT, in the only attempt made to sound the disposition of Madajee Scindia, relative to a pacification between him and the Ranna of Gohud, on the 14th of May 1783, Mr. Anderson, in obedience to the orders he had received, did clearly and explicitly declare to Bhow Bucksey, the Minister of Madajee Scindia, the sentiments of the said Warren Hastings, in the words following:—"That it was so far from your (the said
" Hastings's) meaning, to intercede in his (the said Ran-
H h " na's)

“na’s) favour, that I only desired him to sound Scindia’s sentiments, and in case he was desirous of peace, to mention what I had said; but, if he seemed to prefer carrying on the war, I begged that he would not mention a syllable of what had passed, but let the matter drop entirely.”

That it afterwards appeared, in a minute of the said Hastings, in Council at Fort William, on the 22d of September 1783, that he promised, at the instance of a member of the Council, to write to Lieutenant James Anderson in favour of the Ranna of Gohud, and lay his letter before the Board.

VIII.

THAT nevertheless the said Hastings, professing not to recollect his said promise, did neglect to write a formal letter to Lieutenant Anderson in favour of the said Ranna of Gohud, and that the private letter, the extract of which the said Hastings did lay before the Board on the 21st of October 1783, so far from directing any effectual interference in favour of the said Ranna, or commanding his agent the said James Anderson, to interpose the mediation of the British Government to procure “honourable terms” for the said Ranna, or even “safety to his person and family,” contains the bitterest invectives against him, and is expressive of the satisfaction which the said Hastings acknowledges himself to have enjoyed in the distresses of the said Ranna, the ally of the Company.

IX.

THAT the measures therein recommended, appear rather to have been designed to satisfy Madajee Scindia, and to justify the conduct of the British Government, in not having taken a more active and a more hostile part against the said Ranna, than an intercession on his behalf.

X.

THAT though no consideration of good faith, or observance of treaties, could induce the said Hastings to incur the hazard of any hostile exertion of the British force

force for the defence or the relief of the allies of the Company, yet in the said private letter he directed, that in case his mediation should be accepted, it should be made a *specific condition*, that, *if the said Ranna should take advantage of Scindia's absence to renew his hostilities, we ought in that case, on requisition, to invade the dominions of the Ranna.*

XI.

THAT no beneficial effects could have been procured to the said Ranna by an offer of mediation delayed till Scindia no longer wanted "*our assistance to crush so fallen an enemy*;" at the same time that no reason was given to Scindia to apprehend the danger of drawing upon himself the resentment of the British Government by a disregard of their proposal and the destruction of their ally.

XII.

THAT it was a gross and scandalous mockery in the said Hastings to defer an application to obtain honourable terms for the Ranna, and safety for his person and family, till he had been deprived of his principal fort, in defence of which his uncle lost his life, and on the capture of which his wife, to avoid the dishonour consequent upon falling into the hands of her enemies, *bad destroyed herself by an explosion of gunpowder.*

XIII.

THAT however it does not appear that any offer of meditation was ever actually made, or any influence exerted, either for the safety of the Ranna's person and family, or in mitigation of the *rigorous intentions* supposed by Lieutenant Anderson to have been entertained against him by Madajee Scindia after his surrender.

XIV.

THAT the said Hastings, in the instructions given by him to Mr. David Anderson for his conduct in negotiating the treaty of peace with the Mahrattas, expressed his determination to desert the Ranna of Gohud, in the following words: "you will of course be attentive to any engagements subsisting between us and other
H h 2 " powers,

“ powers, in settling the terms of peace and alliance
 “ with the Mahrattas : I except from this the Ranna of
 “ Gohud.”—“ Leave him to settle his own affairs with
 “ the Mahrattas.” And the said Anderson appears
 very assiduously to have sought for grounds to justify
 the execution of this part of his instructions, to which
 he was, at all events, obliged to conform.

XV.

THAT, even after his application for that purpose
 to the Mahrattas, whose testimony was much to be sus-
 pected, because it was their interest to accuse, and their
 determined object to destroy the said Ranna, no satis-
 factory proof was obtained of his defection from the
 engagements he had entered into with the Company.

XVI.

THAT moreover, if all the charges which have
 been pretended against the Ranna, and have been al-
 leged by the said Hastings in justification of his con-
 duct, had been well founded, and proved to be true,
 the subject matter of those accusations, and the proofs
 by which they were to be supported, were known to
 Colonel Muir before the conclusion of the treaty he en-
 tered into with Madajee Scindia ; and therefore, what-
 ever suspicions may have been entertained, or whatever
 degree of criminality may have been proved against the
 said Ranna, previous to the said treaty, from the time
 he was so provided for and included in the said treaty,
 he was fully and justly entitled to the security stipu-
 lated for him by the Company, and had a right to
 demand and receive the protection of the British
 government.

XVII.

THAT these considerations were urged by Mr.
 Anderson to the said Warren Hastings, in his letter of
 the 24th of June 1781, and were enforced by this ad-
 ditional argument, “ That in point of policy, I believe,
 “ it ought not to be our wish that the Mahrattas should
 “ ever recover the fortrefs of Gualior ; it forms an im-
 “ portant barrier to our own possessions. In the hands
 “ of

“ of the Ranna it can be of no prejudice to us; and
“ notwithstanding the present prospect of a permanent
“ peace betwixt us and the Mahrattas, it seems highly
“ expedient that there should always remain some strong
“ barrier to separate us, on this side of India, from
“ that warlike and powerful nation.”

XVIII.

THAT the said Warren Hastings was highly culpable in abandoning the said Ranna to the fury of his enemies, thereby forfeiting the honour and injuring the credit of the British nation in India, notwithstanding the said Hastings was fully convinced, and had professed, “ that the most sacred observance of treaties, justice, and good faith, were necessary to the existence of the national interests in that country.”—And though the said Hastings has complained of the insufficiency of the laws of this kingdom to enforce this doctrine, “ by the punishment of persons in the possession of power, who may be impelled by the pro-vocation of ambition, avarice, or vengeance, stronger than the restrictions of integrity and honour, to the violation of this just and wise maxim.”

XIX.

THAT the said Hastings, in thus departing from these his own principles, with a full and just sense of the guilt he would thereby incur, and in sacrificing the allies of this country “ *to the provocations of ambition, avarice, or vengeance,*” in violation of the national faith and justice, did commit a gross and wilful breach of his duty, and was thereby guilty of an high crime and misdemeanor.

No. XV.

R E V E N U E S.

P A R T I.

I.

THAT the property of the lands of Bengal is, according to the laws and customs of that country, an inheritable property, and that it is, with few exceptions, vested in certain natives, called zemindars, or landholders, under whom other natives, called talookdars and ryots, hold certain subordinate rights of property, or occupancy, in the said lands:—That the said natives are Hindoos, and that their *rights and privileges are grounded upon the possession of regular grants, a long series of family succession, and fair purchase*:—That it appears that Bengal has been under the dominion of the Mogul, and subject to a Mahommedan Government, for above two hundred years.

II.

THAT, while the Mogul Government was in its vigour, the property of zemindars was *beld sacred*; and that either by voluntary grant from the said Mogul, or by composition with him, the native Hindoos were left in the free, quiet, and undisturbed possession of their lands, on the single condition of paying a fixed, certain, and unalterable revenue, or quit-rent, to the Mogul Government:—That this revenue, or quit-rent, was called the *aussil jumma*, or *original ground rent*, of the provinces, and was not increased from the time when it was first settled, in 1573, to 1740, when the regular and effective Mogul Government ended,

III.

THAT from the aforesaid time to the year 1765, invasions, usurpations, and various revolutions, took place in the Government of Bengal; in consequence of which

which the country was considerably reduced and impoverished, when the East-India Company received from the present Mogul Emperor, Sha Alum, a grant of the Dewanny, or collection of the revenues: That, about the year 1770, the provinces of Bengal and Bahar were visited with a dreadful famine and mortality, by which at least one third of the inhabitants perished:—That Warren Hastings, Esquire, has declared, “that he had always heard the loss of inhabitants reckoned at a third, and in many places near one half, of the whole; and that he knew not by what means such a loss could be recruited in four or five years, and believed it impossible.”—That nevertheless the revenue was *violently kept up to its former standard*; that is, in the two years immediately preceding the appointment of the said Warren Hastings to the government of Fort William: in consequence of which, *the remaining two thirds of the inhabitants were obliged to pay for the lands now left without cultivation*; and that, from the year 1770 to the year 1775, *the country had languished, and the evil continued enhancing every day.*

IV.

THAT the said Warren Hastings, in a letter to the Secret Committee of the Court of Directors, dated the 1st of September 1772, declared, “That the lands had suffered unheard-of depopulation by the famine and mortality of 1769:—That the collections, *violently kept up to their former standard*, had added to the distress of the country, and threatened a general decay of the revenue, unless immediate remedies were applied to prevent it.” And the said Warren Hastings farther declared, “That, by intrusting the collections to the hereditary zemindars, the people would be treated with *more tenderness*, the rents more improved, and cultivation more likely to be encouraged; that *they* have a perpetual interest in the country; that *their* inheritance cannot be removed; that *they* are the proprietors; that the lands are *their* estates, and *their* inheritance; that, from a long continuance of the lands in their families, it is to be
“concluded

“ concluded they have rivetted an authority in the
 “ district, acquired an ascendancy over the minds of
 “ the ryots, and *ingratiated their affections*. That,
 “ from continuing the lands under the management of
 “ those, who have a natural and perpetual interest in
 “ their prosperity, solid advantages might be expected
 “ to accrue: that the zemindar would be less liable to
 “ failure or deficiencies than the farmer, from the per-
 “ petual interest which the former hath in the country,
 “ and because his inheritance cannot be removed; and
 “ it would be improbable that he should risque the loss
 “ of it by eloping from his district, which is too fre-
 “ quently practised by a farmer, when he is hard pressed
 “ for the payment of his balances, and as frequently
 “ pre-determined when he receives his farm.”

V.

THAT notwithstanding all the preceding declara-
 tions, made by the said Warren Hastings of the loss of
 one third of the inhabitants, and general decline of the
 country, he did, immediately after his appointment to
 the Government, in the year 1772, make an arbitrary
 settlement of the revenues for five years, at a higher
 rate than had ever been received before, and with a
 progressive and accumulating increase on each of the
 four last years of the said settlement.

VI.

THAT notwithstanding the right of property and
 inheritance, repeatedly acknowledged by the said War-
 ren Hastings to be in the zemindars and other native
 landholders, and notwithstanding he had declared “ that
 “ the security of private property is the greatest en-
 “ couragement to industry, on which the wealth of
 “ every state depends,” the said Warren Hastings, ne-
 vertheless, in direct violation of those acknowledged
 rights and principles, did universally let the lands of
 Bengal *in farm* for five years; thereby destroying all the
 rights of private property of the zemindars; and there-
 by delivering the management of their estates to far-
 mers, and transferring, by a most arbitrary and unjust
 act of power, the whole landed property of Bengal
 from the owners to strangers.

VII. THAT

VII.

THAT, to accomplish this iniquitous purpose, he, the said Warren Hastings, did put the lands of Bengal up to a pretended public auction, *and invited all persons to make proposals for farming the same*, thereby encouraging strangers to bid against the proprietors; in consequence of which, not only the said proprietors were ousted of the possession and management of their estates, but a great part of the lands fell into the hands of the banyans, or principal black servants of British subjects, connected with, and protected by the Government: and the said Warren Hastings himself has since declared, *that, by this way, the lands too generally fell into the hands of desperate or knavish adventurers.*

VIII.

THAT, before the measure herein-before described was carried into execution, the said Warren Hastings did establish certain fundamental regulations in Council, to be observed in executing the same: that, among these regulations, it was specially and strictly ordered, that no farm should exceed the annual amount of *one* lack of rupees; and “that no peshcar, banyan, or
“ other servant, of whatever denomination, of the Collector, or relation or dependant of any such servant,
“ should be allowed to farm lands, nor directly or indirectly to hold a concern in any farm, nor to be security for any farmer.”

IX.

THAT, in direct violation of these his own regulations, and in breach of the public trust reposed in him, and sufficiently declared by the manifest duty of his station, if it had not been expressed and enforced by any positive institution, he, the said Warren Hastings, did permit and suffer his own banyan, or principal black steward, named Canto Baboo, to hold farms in different purgunnahs, or districts, or to be security for farms, to the amount of thirteen lacks of rupees [130,000l. or upwards] per annum; and after enjoying the whole of those farms for two years, he was permitted

ted by the said Warren Hastings to relinquish two of them.

X.

THAT, on the subject of the farms held by Canto Baboo, the said Warren Hastings has made the following declaration : " Many of his farms were taken without my knowledge, and almost all against my advice. " I had no right to use compulsion or authority ; nor " could I with justice exclude him, because he was " my servant, from a liberty allowed to all other persons in the country. The farms which he quitted, " he quitted by my advice, because I thought that he " might engage himself beyond his abilities, and be " involved in disputes, which I did not chuse to have " come before me as judge of them." That the said declaration contains sundry false and contradictory assertions. If *almost all* the said farms were taken against his advice, it cannot be true that *many* of them were taken without his knowledge : and whether Canto Baboo had been his servant or not, the said Warren Hastings was bound by his own regulations to prevent his holding any farms to a greater amount than one lack of rupees per annum ; but the said Canto Baboo, being the servant of the Governor General, was excluded by the said regulations from holding any farms whatever. That if (as the Directors observe) it was thought dangerous to permit the banyan of a Collector to be concerned in farms, the same or stronger objections would always lie against the Governor's banyan being so concerned : and the said Warren Hastings had a right, and was bound by his duty, to prevent his servant from holding the same. That in advising the said Canto Baboo to relinquish some of the said farms, for which he was actually engaged, he has acknowledged an influence over his servant, and has used that influence for a purpose inconsistent with his duty to the India Company, namely, to deprive them of the security of the said Canto Baboo's engagement for farms, which, on trial, he had found not beneficial, or not likely to continue beneficial to himself ; and if it was improper that he, the said Warren Hastings should be the judge of any

any disputes in which his servant might be involved on account of his farms, that reason ought to have obliged him to prevent his servant from being engaged in any farms whatever, or to have advised his said servant to relinquish the remainder of his farms, as well as those which the said Warren Hastings affirms he quitted by his advice.

XI.

THAT, on the subject of the said charge, the Court of Directors of the East-India Company have come to the following resolution: “ *Resolved*, that it appears “ that the conduct of the late President and Council “ of Fort William in Bengal, in suffering Canto Baboo, “ the present Governor General’s banyan, to hold “ farms in different purgunnahs to a large amount, or “ to be security for such farms, contrary to the tenor “ and spirit of the 17th regulation of the Committee “ of Revenue at Fort William, of the 14th of May “ 1772, and afterwards relinquishing that security “ without satisfaction made to the Company, was “ highly improper, and has been attended with considerable loss to the Company.”

XII.

THAT, in the whole of the transaction aforesaid, the said Warren Hastings has been guilty of gross collusion with his servant, and manifest breach of trust to his employers.

XIII.

THAT whereas it was acknowledged by the said Warren Hastings, that the country in the year 1770 and 1771, had suffered great depopulation and decay; and that the collections of those years, having been violently kept up to their former standard, had added to the distress of the country; the settlement of the revenues made by him for five years, commencing the 1st of May 1772, instead of offering any abatement or relief to the inhabitants who had survived the famine, held out to the East-India Company a promise of great *increase* of revenue, to be exacted from the country by

the means hereinbefore described: that this settlement was not realized, but fell considerably short, even in the first of the five years, when the demand was the lightest; and on the whole of the five years, the real collections fell short of the settlement, to the enormous amount of two millions and a half sterling, and upwards.

XIV.

THAT such a settlement, if it had been, or could have been, rigorously exacted from a country already so distressed, and from a population so impaired, that, in the belief of the said Warren Hastings, it was impossible such loss could be recruited in four or five years, would have been in fact what it appeared to be in form, an act of the most cruel and tyrannical oppression; but the real use made of that unjust demand upon the natives of Bengal was, to oblige them to compound privately with the persons who formed the settlement, and who threatened to enforce it: and the enormous balances and remissions, on that settlement, arose from a general collusion between the farmers and collectors, and from a general peculation and embezzlement of the revenues, by which the East-India Company was grossly imposed on, in the first instance, by a promised *increase* of revenue, and defrauded, in the second, not only by the failure of that *increase*, but by the revenues falling short of what they were in the two years preceding the said settlement, to a great amount.

XV.

THAT the said Warren Hastings, being then at the head of the Government of Bengal, was a party to all the said imposition, fraud, peculation, and embezzlement, and is principally and specially answerable for the same; and sundry proofs of the said peculation and embezzlement being brought before the Court of Directors, the said Directors (in a letter dated the 4th of March 1778, and signed by William Devaynes and Nathaniel Smith, Esquires, now Chairman and Deputy Chairman of the said Court, and members of this House) did declare, that "although it was rather
" their wish to prevent future evils, than to enter into
" a se-

“ a severe retrospection of past abuses, yet, as in some
 “ of the cases then before them they conceived there
 “ had been *flagrant corruption*, and, in others, great
 “ oppressions committed on the native inhabitants,
 “ they thought it unjust to suffer the delinquents to
 “ pass wholly unpunished ; and therefore they directed
 “ the Governor General and Council forthwith to com-
 “ mence a prosecution against the persons who com-
 “ posed the Committee of Circuit, and their repre-
 “ sentatives, and against all other proper parties ;”
 but the prosecutions so ordered by the Court of Direc-
 tors, in the year 1778, have never been brought to
 trial ; and the said Warren Hastings did, on the 23d of
 December 1783, propose, and carry it in Council, *that*
orders should be given for withdrawing the said prosecu-
tions, declaring that he was clearly of opinion that
there was no ground to maintain them, and that they
would only be productive of expence to the Company, and
unmerited vexation to the parties.

R E V E N U E S.

P A R T II.

I.

THAT the said Warren Hastings has, on sundry
 occasions, declared his deliberate opinion gene-
 rally against all innovations, and particularly in the
 collection and management of the revenues of Bengal ;
 that “ he was well aware of the expence and incon-
 “ venience *which ever attends innovations of all kinds* on
 “ their first institution.—That innovations are *al-*
 “ *ways* attended with difficulties and inconveniencies,
 “ and innovations in the revenue with a suspension of
 “ the collections :—That the continual variations in
 “ the mode of collecting the revenue, and the conti-
 “ nual usurpations on the rights of the people, have
 “ fixed in the minds of the Ryots, a rooted distrust
 “ of the ordinances of Government.”—And the Court
 of

of Directors have repeatedly declared their apprehensions, "that a sudden transition from one mode to another, in the investigation and collection of their revenue, might have alarmed the inhabitants, lessened their confidence in the Company's proceedings, and been attended with other evils."

II.

THAT the said Warren Hastings, immediately after his appointment to the government of Fort William, in April 1772, did abolish the office of *Naib Duan*, or Native Collector of the revenues then existing:—That he did at the same time appoint a Committee of the Board to go on a circuit through the provinces, and to form a settlement of the revenues for five years:—That he did then appoint sundry of the Company's servants to have the management of the collections, viz. one in each district, under the title of *Collector*:—That he did then abolish the General Board of Revenue or Council at Muxadavad, for the following reasons: "That while the controlling and executive part of the revenue, and the correspondence with the Collectors, was carried on by a Council at Muxadavad, the members of the Administration at Calcutta had no opportunity of acquiring that thorough and comprehensive knowledge, which could only result from *practical experience*. That the orders of the Court of Directors, which established a new system, which enjoined many new regulations and inquiries, could not properly be delegated to a subordinate council; and it became absolutely necessary that the business of the revenue should be conducted *under the immediate observation and direction of the Board*."

III.

THAT, in November 1773, the said Warren Hastings abolished the office of *Collector*, and transferred the collection and management of the revenues to several Councils of Revenue, commonly called *Provincial Councils*.—That on the 24th of October 1774, the said Warren Hastings *earnestly offered his advice* (to the Governor

Governor General and Council, then newly appointed by act of Parliament) *for the continuation of the said system of Provincial Councils in all its parts*—That the said Warren Hastings did, on the 22d of April 1775, transmit to the Directors a formal plan for the future settlement of the revenues, and did therein declare, that “with respect to the mode of managing the collection of the revenue, and the administration of justice, none occurred to him so good as the system which was already established, of Provincial Councils.”—That, on the 18th of January 1776, the said Warren Hastings did transmit to the Court of Directors, a plan for the better administration of justice: that, in this plan, the establishment of the said Provincial Councils was specially provided for and confirmed; and that Warren Hastings did recommend it to the Directors, *to obtain the sanction of Parliament for a confirmation of the said plan.* That, on the 30th of April 1776, the said Warren Hastings did transmit to the Court of Directors the draught or scheme of an act of Parliament for the better administration of justice in the provinces, in which the said establishment of Provincial Councils is again specially included, and special jurisdiction assigned to the said Councils. That the Court of Directors, in a letter dated 5th February 1777, did give the following instruction to the Governor General and Council, a majority of whom, viz. Sir John Clavering, Colonel Monson, and Mr. Francis, had disapproved of the plan of Provincial Councils: “If you are fully convinced that the establishment of Provincial Councils has not answered, nor is not capable of answering the purposes intended by such institutions, we hereby direct you to form a new plan for the collection of the revenues, and to transmit the same to us *for our consideration.*”

IV.

THAT the said Warren Hastings, in contradiction to his own sentiments repeatedly declared, and to his own advice repeatedly and deliberately given, and in defiance of the orders of the Directors, to whom he transmitted no previous communication whatever, of his

his intention to abolish the said Provincial Councils, did, in the beginning of the year 1781, again change the whole system of the collections of the public revenue of Bengal, as also the administration of civil and criminal justice throughout the provinces.

V.

THAT the said Warren Hastings, in a letter dated 5th of May 1781, advising the Court of Directors of the said changes, has falsely affirmed, " that the plan " of superintending and collecting the public revenue " of the provinces, through the agency of Provincial " Councils, had been instituted for the temporary and " declared purpose of introducing another more permanent mode *by an easy and gradual change*;" whereas on the contrary, the said Warren Hastings, from the year 1773, to the year 1781, has constantly and uniformly insisted on the wisdom of that institution, and on the necessity of never departing from it; and has, in that time, repeatedly advised, that the said institution should be confirmed *in perpetuity* by an act of Parliament.

VI.

THAT the said total dissolution of the Provincial Councils was not introduced by any easy and gradual change, nor by any gradations whatever; but was sudden and unprepared, and instantly accomplished by a single act of power: and the said Warren Hastings, in the place of the said Councils, has substituted a Committee of Revenue, consisting of four covenanted servants, on principles opposite to those which he had himself professed; and with exclusive powers, tending to deprive the members of the Supreme Council of a due knowledge of, and inspection into, the management of the territorial revenues, specially and unalienably vested by the Legislature in the Governor General and Council, and to vest the same solely and entirely in the said Warren Hastings.

VII.

THAT the reasons assigned by the said Warren Hastings for constituting the said Committee of Revenue,

venue, are incompatible with those which he professed, when he abolished the Subordinate Council of Revenue at Muxadavad. That he has invested the said Committee *in the fullest manner, with all the powers and authority of the Governor General and Council.* That he has thereby contracted the whole power and office of the Provincial Councils into a small compass, and vested the same in four persons appointed by himself:— That he has thereby taken the general transaction and cognizance of revenue business out of the Supreme Council: — That the said Committee are empowered to conduct the current business of the revenue department, without reference to the Supreme Council, and only *report to the Board such extraordinary occurrences, claims, and proposals, as may require the special orders of the Board:* — That even the instruction, to report to the Board, in extraordinary cases, is nugatory and fallacious, being accompanied with limitations which make it impossible for the said Board to decide on any questions whatsoever; since it is expressly provided by the said Warren Hastings, *that, if the members of the Committee differ in opinion, it is not expected that every dissentient opinion should be recorded;* consequently the Supreme Council, on any reference to their Board, can see nothing but the resolutions or reasons of the majority of the Committee, without the arguments on which the dissentient opinions might be founded: and since it is also expressly provided by the said Warren Hastings, *that the determination of the majority of the Committee should not therefore be stayed, unless it should be so agreed by the majority;* that is, that, notwithstanding the reference to the Supreme Council, the measure shall be executed without waiting for their decision.

VIII.

THAT the said Warren Hastings has delivered his opinion, with many arguments to support the same, in favour of long leases of the lands, in preference to *annual* settlements; and he has particularly declared, “ that the farmer, who holds his farm for one year
“ only, having no interest in the next, takes what he
“ can with the hand of rigour, which, even in the

K k

“ execution

“ execution of legal claims, is often equivalent to violence. He is under the necessity of being rigid, and *even cruel*; for what is left in arrear, after the expiration of his power, is at best a doubtful debt, if ever recoverable. He will be tempted to exceed the bounds of right, and to augment his income by irregular exactions, and by racking the tenants, for which pretences will not be wanting, where the farms pass *annually* from one hand to another. That the discouragements which the tenants feel, from being transferred every year to new landlords, are a great objection to such short leases; that they contribute to injure the cultivation, and dispeople the lands. That, on the contrary, from long farms, the farmer acquires a permanent interest in his lands; he will, for his own sake, lay out money in assisting his tenants, in improving lands already cultivated, and in clearing and cultivating waste lands.” That nevertheless, the said Warren Hastings, having left it to the discretion of the Committee of Revenue, appointed by him in 1781, to fix the time for which the ensuing settlement should be made; and the said Committee having declared, that, *with respect to the period of the leases in general, it appeared to the Committee, that to limit them to one year would be the best period*: he, the said Warren Hastings, approved of that limitation, in manifest contradiction to all his own arguments, professions, and declarations, concerning the fatal consequences of *annual* leases of the lands.

IX.

THAT in so doing, the said Warren Hastings did not hold himself bound or restrained by the orders of the Court of Directors, but acted upon his own discretion; and he has, for partial and interested purposes, exercised that discretion, in particular instances, against his own general settlement for one year, by granting perpetual leases of farms and zemindaries to persons specially favoured by him; and particularly by granting a perpetual lease of the zemindary of Baharbund to his servant, Canto Baboo, on very low terms.

X. THAT

X.

THAT in all the preceding transactions; the said Warren Hastings did act contrary to his duty, as Governor of Fort William, contrary to the orders of his employers, and contrary to his own declared sense of expediency, consistency, and justice; and thereby did harass and afflict the inhabitants of the provinces with perpetual changes in the system and execution of the government placed over them; and with continued innovations and exactions against the rights of the said inhabitants; thereby destroying all security to private property, and all confidence in the good faith, principles, and justice of the British Government.

XI.

THAT the said Warren Hastings, having substituted his own instruments to be the managers and collectors of the public revenue, in the manner herein-before mentioned, did act in manifest breach and defiance of an act of the 13th of His present Majesty, by which *the ordering and management and government of all the territorial revenues in the kingdoms of Bengal, Bahar, and Orissa*, were vested in the Governor General and Council, without any power of delegating the said trust and duty to any other persons; and by such unlawful delegation of the powers of the Council to a subordinate Board appointed by himself, he, the said Warren Hastings, did in effect unite and vest in his own person, the ordering, government, and management of all the said territorial revenues.

XII.

THAT, for the said illegal act, he, the said Warren Hastings, is solely answerable, the same having been proposed and resolved in Council, when the Governor General and Council consisted but of two persons present; namely, the said Warren Hastings, and the late Edward Wheler, Esq., and when, consequently, the Governor General, by virtue of the casting voice, possessed the whole power of the government.

XIII.

THAT, in all the changes and innovations hereinbefore described, the pretence used by the said Warren Hastings, to recommend and justify the same to the Court of Directors, has been, that such changes and innovations would be attended with increase of revenue, or diminution of expence to the East-India Company : — That such pretence, if true, would not have been a justification of such acts ; but that such pretence is false and groundless : — That, during the administration of the said Warren Hastings, the territorial revenues have declined ; that the charges of collecting the same have greatly increased ; and the said Warren Hastings, by his neglect, mismanagement, and by a direct and intended waste of the Company's property, is chargeable with, and answerable for all the said decline of revenue, and all the said increase of expence.

 No. XVI.

Misdemeanors in Oude.

I.

THAT the province of Oude and its dependencies were, before their connection with, and subordination to, the Company, in a flourishing condition with regard to culture, commerce, and population, and their rulers and principal nobility maintained themselves in a state of affluence and splendour ; but very shortly after the period aforesaid, the prosperity, both of the country and its chiefs, began sensibly and rapidly to decline ; inasmuch, that the revenue of the said province, which on the lowest estimation had been found, in the commencement of the British influence, at upwards of 3,000,000*l.* sterling annually (and that ample revenue raised without detriment to the country) did not, in the year 1779, exceed the sum of 1,500,000*l.* and in the subsequent years did fall much

much short of that sum, although the rents were generally advanced, and the country grievously oppressed in order to raise it.

II.

THAT in the aforesaid year 1779, the demands of the East-India Company on the Nabob of Oude are stated by Mr. Purling, their Resident at the Court of Oude, to amount to the sum of 1,360,000*l.* sterling and upwards, leaving (upon the supposition that the whole revenue should amount to the sum of 1,500,000*l.* sterling, to which it did not amount) no more than 140,000*l.* sterling, for the support of the dignity of the household and family of the Nabob, and for the maintenance of his government, as well as for the payment of the public debts due within the province.

III.

THAT by the treaty of Fyzabad, a regular brigade of the Company's troops, to be stationed in the dominions of the Nabob of Oude, were kept up at the expence of the said Nabob; in addition to which, a temporary brigade of the same troops was added to his establishment, together with several detached corps in the Company's service, and a great part of his own native troops were put under the command of British officers.

IV.

THAT the expence of the Company's temporary brigade increased in the same year (the year of 1779) upwards of 80,000*l.* sterling above the estimate; and the expence of the country troops under British officers, in the same period, increased upwards of 40,000*l.* sterling; and in addition to the aforesaid ruinous expences, a large civil establishment was gradually, secretly, and without any authority from the Court of Directors, or record on the books of the Council General concerning the same, formed for the Resident and another, under Mr. Wombwell, an agent for the Company; as also several pensions and allowances, in the same secret and clandestine manner, were charged on the
the

the revenues of the said Nabob, for the benefit of British subjects, besides large occasional gifts to persons in the Company's service.

V.

THAT in the month of November 1779, the said Nabob did represent to Mr. Purling, the Company's Resident aforesaid, the distressed state of his revenues, in the following terms: "During three years past, the
 " expence occasioned by the troops in brigade, and
 " others commanded by European officers, has much
 " distressed the support of my household, insomuch
 " that the allowances made to the seraglio and children of the deceased Nabob have been reduced to
 " *one fourth* of what it had been, upon which they
 " have subsisted in a very distressed manner for two
 " years past. The attendants, writers, and servants,
 " &c. of my court have received no pay for two years
 " past; and there is at present no part of the country
 " that can be allotted to the payment of my father's
 " private creditors, whose applications are daily pressing upon me. All these difficulties I have for these
 " three years past struggled through, and found this
 " consolation therein, that it was complying with the
 " pleasure of the Honourable Company, and in the
 " hope that the Supreme Council would make inquiry
 " from impartial persons into my distressed situation;
 " but I am now forced to a representation.

" From the *great increase of expence*, the revenues
 " were necessarily farmed out *at a high rate*; and deficiencies followed yearly. The country and cultivation
 " is abandoned; and this year, in particular, from the
 " excessive drought, deductions of many lacks" [stated by the Resident, in his letter to the Board of the 13th of the month following, to amount to 25 lacks, or 250,000l. sterling] " have been allowed the farmers,
 " who were still left unsatisfied.—I have received but
 " just sufficient to support my absolute necessities, the
 " revenues being deficient to the amount of 15 lacks," [150,000l. sterling] " and for this reason, many of the
 " old chieftains, with their troops, and the useful attendants

“tendants of the court, were forced to leave it, and
 “there is now only a few foot and horse for the collec-
 “tion of my revenues; and should the zemindars be
 “refractory, there is not left a sufficient number to re-
 “duce them to obedience.” And the said Nabob did
 “therefore pray, that the assignments for the new
 brigade, the corps of horse, and the other detached
 bodies of the Company’s troops, might not be required
 from him; alledging, “that the former was not only
 “quite useless to his government, but, moreover, the
 “cause of much loss both in the revenues and customs;
 “and that the detached bodies of troops, under their
 “European officers, brought nothing but confusion
 “into the affairs of his government, and were entirely
 “their own masters.”

VI.

THAT it appears that the Nabob was not bound
 by any treaty to the maintenance, without his consent,
even of the old brigade; the Court of Directors having,
 in their letter of the 15th of December 1775, approved
 of keeping the same in his service “*provided it was*
 “*done with the free consent of the Soubah, and by no means*
 “*without it.*” And the *new brigade*, and temporary
 corps, were raised on the express condition that the ex-
 pence thereof should be charged on the Nabob only
 “*for so long a time as he should require the corps for his*
 “*service.*” And the Court of Directors express to the
 Governor General and Council their sense of the said
 agreement in the following terms: “But if you intend
 “to exert your influence, first to induce the Vizier to
 “acquiesce in your proposal, and afterwards to compel
 “him to keep the troops in his pay during your pleasure,
 “your intents are unjust; and a correspondent conduct
 “would reflect great dishonour on the Company.”

VII.

THAT in answer to the decent and humble repre-
 sentation aforesaid of the Nabob of Oude, the allega-
 tions of which, so far as they relate to the distressed state
 of the Nabob’s finances, and his total inability to dis-
 charge the demands made on him, were confirmed by
 the testimony of the English Resident at Oude, and
 which

which the said Hastings did not deny, in the whole or in any part thereof, he, the said Warren Hastings, did, on pretence of certain political dangers, declare the relief desired, to be “without hesitation *totally* inadmissible;” and did falsely and maliciously insinuate, “that the *tone* in which the demands of the Nabob were asserted, and the season in which they were made, did give cause for *the most alarming suspicions.*” And the said Warren Hastings did, in a letter to the Nabob aforesaid, written in haughty and insolent language, and without taking any notice of the distresses of the said Nabob, alledged and verified as before recited, “require and insist upon your [the Nabob’s] granting tuncaws [assignments] for the full amount of their [the Company’s] demands upon you for the current year, and on your reserving funds sufficient to answer them, *even should the deficiencies of your revenues compel you to leave your own troops unprovided for, or to disband a part of them, to enable you to effect it.*”

VIII.

THAT in a letter written at the same time to the Resident Purling, and intended for his directions in enforcing on the Nabob the unjust demands aforesaid, the said Warren Hastings hath asserted, in direct contradiction to the treaties subsisting between the said Nabob and the Company, “that he [the Nabob] stands engaged to our Government to maintain the English armies, which, at his own request, have been formed for the protection of his dominions; and *that it is our part, and not his, to judge and determine in what manner and at what time these shall be reduced and withdrawn.*” And in a minute of consultation, when the aforesaid measure was proposed by the said Hastings to the Supreme Council, he did affirm and maintain, that the troops aforesaid “had now no *separate* or distinct existence from ours, and may be properly said to consist of our *whole* military establishment, with the exception only of our European infantry; and that they could not be withdrawn without imposing on the Company *the additional burden of them*, or disbanding nine battalions of disciplined sepoyes, and three regiments of horse,

IX. THAT

IX.

THAT in the minute of consultation aforesaid, he, the said Warren Hastings, hath farther, in justification of the violent and arbitrary proceedings aforesaid, asserted, "that the arrangement of measures between the British Government and their allies, the native powers of India must, in case of disagreement about the necessity thereof, *be decided by the strongest*;" and hath thereby advanced a dangerous and most indecently-expressed position, subversive of the rights of allies, and tending to breed war and confusion, instead of cordiality and co-operation amongst them, and to destroy all confidence of the Princes of India in the faith and justice of the English nation: and the said Hastings having farther, in the minute aforesaid, presumed to threaten to "bring to punishment, if my influence [his the said Hastings's, influence] "can produce that effect, *those incendiaries* who have endeavoured to "make themselves the instruments of division between us," hath, as far as in him lay, "obstructed the performance of one of the most essential duties of a Prince, engaged in an unequal alliance with a presiding state—that of representing the grievances of his subjects to that more powerful state, by whose acts they suffer; leaving thereby the governing power in total ignorance of the effects of its own measures; and to the oppressed people no other choice than the alternative of an unqualified submission, or a resistance productive of consequences more fatal.

X.

THAT all relief being denied to the Nabob, in the manner and on the grounds aforesaid, the demands of the Company on the said Nabob in the year following, that is to say, in the year 1780, did amount to the enormous sum of 1,400,000*l.* sterling, and the distress of the province did rapidly increase.

XI.

THAT the Nabob, on the 24th of February of the same year, did again write to the Governor General, the said Warren Hastings, a letter, in which he expressed

pressed his constant friendship to the Company, and his submission and obedience to their orders; and asserting, that he had not troubled them with any of his difficulties, trusting they would learn them from other quarters, and that he should be relieved by their friendship: "But (he says) when the *knife had penetrated to the bone*, and I was surrounded with such heavy distresses, that I could no longer live in expectations, I then wrote an account of my difficulties. The answer I have received to it is such, that it has given me inexpressible grief and affliction. I never had the least idea or expectation from you and the Council, that you would have given your orders in *so afflicting a manner, in which you never before wrote, and I could never have imagined*. I have delivered up all my *private papers* to him, [the Resident] that after examining my receipts and expences, he may take whatever remains. That as I know it to be my duty to satisfy you, [the Company and Council] I have not failed to obey in any instance; but requested of him, that it might be done so as not to distress me in my *necessary* expences. There being no other funds but those for the expences of my *mutseddies* [clerks and accountants] household expences, and servants, &c. he demanded these in such a manner, that, being remediless, I was obliged to comply with what he required. He has accordingly stopped *the pensions of my old servants for thirty years, whether sepoy, [soldiers] mutseddies [secretaries and accountants] or household servants, and the expences of my family and kitchen, together with the jagbires of my grandmother, mother, and aunts, and of my brothers and dependants, which were for their support.*"

XII.

THAT in answer to the letter aforesaid, the Resident received from the said Warren Hastings and Council an order to persevere in the demand to its fullest extent, that is to say, to the amount of 1,400,000l. sterling.

XIII. THAT

XIII.

THAT on the 15th of May the Nabob replied, complaining, in an humble and suppliant manner, of his distressed situation; that he had at first opposed the assigning to the use of the Company the estates of his mother, of his grandmother, of one of his uncles, and of the sons of another; but that, in obedience to the injunctions of the gentlemen of the Council, it had been done, to the amount, on the whole, of 80,000*l*. sterling a year, or thereabouts: that whatever effects were in the country, with even his table, his animals, and the salaries of his servants, were granted in assignments: that besides these, if they were resolved again to compel him to give up the estates of his parents and relations, which were granted them for their maintenance, they were at the Company's disposal; saying, "If the Council have directed you to attach them, do it: in the country no farther sources remain. I have no means; for I have not a subsistence.—How long shall I dwell upon my misfortunes?"

XIV.

THAT the truth of the said remonstrances was not disputed, nor the *tone* in which they were written complained of, the same being submissive, and even abject, though the cause (his distresses) was by the said Hastings, in a great degree, and in terms the most offensive, attributed to the Nabob himself; but no relief was given, and the same unwarrantable establishments were maintained, and the same ruinous expences were kept up.

XV.

THAT the said Warren Hastings having considered as incendiaries those who advised the remonstrances aforesaid, and to prevent the same in future, having denounced vengeance on those concerned therein, did, for the purpose of keeping in his own power all representations of the state of the court and country aforesaid, and to subject both the one and the other to his own arbitrary will, and to draw to himself and to his creatures the management of the Nabob's revenues, in defiance of the orders of the Court of Directors, a se-

cond time recal Mr. Bristow, the Company's Resident, from the Court of Oude; having once before recalled him, as the said Directors express themselves, "without the shadow of a charge being exhibited against him;" and having, on the occasion and time now stated, produced no specific charge against the said Resident;—and he, the said Hastings, did appoint Nathaniel Middleton, Esq. to succeed him, it being his declared principle, that he must have a person of *his own* confidence in that situation.

XVI.

THAT the said Warren Hastings, after he had refused all relief to the distresses of the Nabob, in the manner aforesaid, and had described those who advised the representation of the grievances of Oude as *incendiaries*, did himself, in a minute of the 21st of May 1781, describe that province "as fallen into a state of great disorder and confusion, and its resources in an extraordinary degree diminished;" and did state, that his presence in the said province was requested by the Nabob; and that unless some effectual measures were taken for his relief, he [the Nabob] must be under the necessity of leaving his country, and coming down to Calcutta, to represent the situation of his government. And Mr. Wheler did declare, that the Governor General's representation of the state of that province "was but too well founded; and was convinced that it would require his utmost abilities and powers, applied and exercised on the spot, to restore it to its former good order and affluence."

XVII.

THAT the said Warren Hastings, in consequence of the minute aforesaid, did grant to himself, and did procure the consent of his only colleague, Edward Wheler, Esq. to a commission or delegation, with powers "to assist the Nabob Vizier in forming such regulations as may be necessary for the peace and good order of his government, the improvement of his revenue, and the adjustment of the mutual concerns subsisting between him and the Company."—
And

And in the said commission or delegation, he, the said Warren Hastings, did cause to be inserted certain powers and provisions, of a new and dangerous nature, (that is to say) reciting the business before mentioned, he did convey to himself "such authority to enforce" the same, *as the Governor General and Council might or could exercise, on occasions in which they could be warranted to exercise the same*; and to form and conclude "such several engagements or treaties with the Nabob Vizier, the Government of Berar, and with any chiefs or powers of Hindostan, as he should judge expedient or necessary." Towards the conclusion of the act or instrument aforesaid are the words following; viz. "It is hereby declared, that all such acts, and all such engagements or treaties aforesaid, shall be binding on the Governor General and Council in the same manner, and as effectually, as if they had been done and passed by the specific and immediate concurrence and actual junction of the Governor General and Council, in council assembled." And the said powers were, by the said Warren Hastings, given by himself and the said Wheler, under the seal of the Company, on the 3d of July 1781.

XVIII.

THAT the said commission, delegating to him, the said Warren Hastings, the whole functions of the Council, is destructive to the constitution thereof, and is contrary to the Company's standing orders, and is illegal.

XIX.

THAT in virtue of those powers, and the illegal delegation aforesaid, the said Warren Hastings, after he had finished his business at Benares, did procure a meeting with the Nabob of Oude, at a place called Chunar, upon the confines of the country of Benares, and did there enter into a treaty, or pretended treaty, with the said Nabob; one part of which the said Warren Hastings did pretend was drawn up from a series of requisitions presented to him by the Nabob, but which requisitions, or any copy thereof, or of any other material

rial document relative thereto, he did not at the time transmit to the Presidency; the said Warren Hastings informing Mr. Wheler, that the Resident, Middleton, had taken the *authentic* papers relative to this transaction with him to Lucknow: and it does not appear that the said Warren Hastings did ever reclaim the said papers, in order to record them at the Presidency, to be transmitted to the Court of Directors, as it was his duty to do.

XX.

THAT the purport of certain articles of the said treaty, on the part of the Company, was, that in consideration of the Nabob's *inability* (which inability the preamble of the treaty asserts to have been "repeatedly and ungenerally represented,") to support the expences of the temporary brigade, and of three regiments of cavalry, and also of the British officers, with their battalions, and of *other* gentlemen, who were then paid by him, the several corps aforesaid, and the other gentlemen (with the exception of the Resident's office, *then on the Nabob's list*, and a regiment of sepoy for the Resident's guard) should, after a term of two and a half months, be no longer at his [the Nabob's] charge. — "The true meaning of this being, that no more troops than one brigade, and the pay and allowances of a regiment of sepoy," (as aforesaid to the Resident) amounting in the whole to 342,000*l.* a year, should be paid by the Nabob. And that *no officers, troops, or others, should be put upon the Nabob's establishment*, exclusive of those in the said treaty stipulated.

XXI.

THAT the said Warren Hastings did defend and justify the said articles, in which the troops aforesaid were to be removed from the Nabob's establishment, by declaring as follows: "That the *actual* disbursements to those troops had fallen upon *our own funds*, and that *we* support a body of troops, established *solely* for the defence of the Nabob's possessions, at *our own expence*. It is true, we charge the Nabob with this expence; but the large balance already
" due

“ due from him shews too justly the little prospect,
 “ there was of disengaging ourselves *from a burden*
 “ which was daily adding to *our* distresses, and must
 “ soon become *insupportable*, although it were granted
 “ that the Nabob's debt, then suffered to accumulate,
 “ *might at some future period be liquidated*; and that this
 “ measure would substantially effect an instant relief
 “ to the pecuniary distresses of the Company.”

XXII.

THAT Nathaniel Middleton, the Resident, did also declare, that he would at all times testify, “ that
 “ upon the plan of the foregoing years, the receipts
 “ from the Nabob were only a *deception*, and *not an advantage*, but *an injury* to the Company;” and “ that
 “ a remission to the Nabob of this *insufferable burden*,
 “ was a *profit* to the Company.” And the said Hastings did assert, that the force of the Company was not lessened by withdrawing the temporary troops; although (when it suited the purpose of the said Hastings, in denying just relief to the distresses of the said Nabob of Oude) he had not scrupled to assert the direct contrary of the positions by him maintained in justification of the treaty of Chunar, having, in his minute aforesaid, of the 15th of December 1779, asserted, “ that these troops” [the troops maintained by the Nabob of Oude] “ had no *separate or distinct existence*, and may be properly said to consist of our
 “ whole military establishment, with the exception
 “ only of our European infantry; and that they could
 “ not be *withdrawn, without imposing on the Company*
 “ *the additional burden of their expence*, or disbanding
 “ nine battalions of disciplined sepoys, and three regiments of horse.”

XXIII.

THAT he, the said Warren Hastings, in justification of his agreement to withdraw the troops aforesaid from the territories and pay of the Nabob of Oude, did farther declare, “ that he had been too much accustomed to the tales of hostile preparation, and impending invasions, against all the evidence of political

“ tical probability, to regard them as any other than
 “ phantoms, raised for the purpose of perpetuating or
 “ multiplying commands ;” and he did trust, all ideas
 of danger from the neighbouring powers was altogether
 visionary ; and that, even if they had been better
 founded, this mode of anticipating possible evils would
 be more mischievous than any thing they had reason to
 apprehend, and that the internal state of the Nabob’s
 dominions did not require the continuance of the said
 troops ; and that the Nabob, “ *whose concern it was, and*
 “ *not ours,*” did affirm the same ; notwithstanding he,
 the said Hastings, had before, in answer to the humble
 supplications of the Nabob, asserted, that “ *it was our*
 “ *part, and not his,* to judge and determine in what
 “ manner, and at what time, they should be reduced
 “ or withdrawn.”

XXIV.

THAT the said Warren Hastings, in support of his
 measure of withdrawing the said brigade, and other
 troops, did also represent, that “ the remote stations of
 “ those troops, placing the commanding officers be-
 “ yond the notice and control of the Board, afforded
 “ too much opportunity and temptation for unwar-
 “ rantable emoluments, and excited the *contagion of*
 “ *peculation and rapacity throughout the whole army ;* and
 “ as an instance thereof, that a Court Martial, com-
 “ posed of officers of rank and respectable characters,
 “ unanimously and honourably, ‘ most honourably,’
 “ acquitted an officer upon an acknowledged fact,
 “ which in times of stricter discipline would have been
 “ deemed a crime deserving the severest punishment.”

XXV.

THAT the said Warren Hastings having in the let-
 ter aforesaid contradicted all the grounds and reasons
 by him assigned for keeping up the aforesaid establish-
 ment, and having declared his own conviction, that the
 whole was a fallacy and imposition, and a detriment to
 the Company instead of a benefit, circumstances (if
 they are true) which he might and ought to have well
 known, was guilty of an high crime and misdemeanor,
 in

in carrying on the imposture and delusion aforesaid, and in continuing an insupportable burden and grievance upon the Nabob for several years, without attending to his repeated supplications to be relieved therefrom, to the utter ruin of his country, and to the destruction of the discipline of the British troops, by diffusing among them a general spirit of speculation; and the said Hastings hath committed a grievous offence in upholding the same pernicious system, until by his own confession and declaration, in his minute of the 21st of May 1781, "the evils had *grown* to so great an height, that exertions will be required more powerful than can be made through the delegated authority of the servants of the Company now in the province; and that he was far from sanguine in his expectations, that *even his own endeavours would be attended with much success.*"

XXVI.

THAT at the time of making the said treaty, and at the time when, under colour of the distress of the Nabob of Oude, and the failure of all other means for his relief, he, the said Hastings, broke the Company's faith with the parents of the Nabob, and first encouraged, and afterwards compelled him to despoil them of their landed estates, money, jewels, and household goods; and while the said Nabob continued heavily in debt to the Company, he, the said Warren Hastings, did, "*without hesitation,*" accept of, and receive from, the Nabob of Oude and his ministers, (who are notoriously known to be not only under his influence, but under his absolute command) a bribe, or unlawful gift or present, of one hundred thousand pounds sterling, and upwards:—That even if the said pretended gift could be supposed to be voluntary, it was contrary to the express provision of the regulating act of the 13th year of His Majesty's reign, prohibiting the receipt of all presents, upon any pretence whatsoever, and contrary to his own sense of the true intent and meaning of the said act, declared upon a similar, but not so strong a case; that is, where the service done, and the present offered in return for it, had taken place before the pro-

mulgation of the above laws in India; on that occasion he declared, "that the exclusion, by an act of Parliament, *admitted of no abatement or evasion,* "wherever its authority extended."

XXVII.

THAT the said Warren Hastings, confiding in an interest which he supposed himself to have formed in the East-India House, did endeavour to prevail on the Court of Directors to violate the said act, and to suffer him to appropriate the money, so illegally accepted by him, to his own profit, as a reward for his services.

XXVIII.

THAT the said Warren Hastings has since declared to the Court of Directors, that when *fortune* threw a *sum in his way* (meaning the sum of money above mentioned) *of a magnitude which could not be concealed, he chose to apprise his employers of it*; thereby confessing, that but for the magnitude of the same rendering it difficult to be concealed, he never would have discovered it to them. And the said unlawful present being received at the time when, for reasons directly contradictory of all his former recorded declarations, he did agree to remove the aforesaid troops from the Nabob's dominions, and to recall the pensioners aforesaid, it must be presumed, that he did not agree to give the relief (which he had before so obstinately refused) upon the grounds and motives of justice, policy, or humanity, but in consideration of the sum of money aforesaid, which in a time of such extreme distress in the Nabob's affairs could not be rationally given, except for those and other concessions, stipulated for in the said treaty, but which had on former occasions been refused.

XXIX.

THAT notwithstanding his, the said Warren Hastings's, receipt of the present of 100,000*l.* as aforesaid, he did violate every one of the stipulations of the said treaty; and particularly he did continue in the country, and in the service of the Nobob of Oude, those troops which he had so recently stipulated to withdraw from
his

his country, and to take from his establishment; for upon the 24th of December following, he did order the temporary brigade, making ten battalions of 500 men each, to be again put on the Vizier's list; although he had recently informed the Court of Directors, through Edward Wheler, Esq. that any benefit to be derived from the Nabob's paying that brigade, was a *fallacy and a deception*, and that the same was a *charge* upon the Company, and not an *alleviation of its distresses*, as well as an *insupportable burden* to the Nabob. Thus having, within a short space of time, twice contradicted himself, both in declaration and in conduct.

XXX.

THAT this measure, in direct violation of a treaty of not three months duration, was so injudicious, that, in the opinion of the Assistant-resident, Johnson, "nothing less than blows could effect it." He, the said Resident farther adding, "that the Nabob was not even able to pay off the arrears still due to it [the new brigade]; and that the troops being *all* in arrears, and no possibility of present payment, so large a body assembled here [viz. at Lucknow] without any means to check and control them, nothing but disorder could follow. As one proof that the Nabob is as badly off for funds as we are, I may inform you, that his cavalry rose this day upon him, and went all armed to the palace, to demand from thirteen to eighteen months arrears, and were with great difficulty persuaded to retire, which was probably more effected by a body of troops getting under arms to go against them, than any other consideration." But the letter of Warren Hastings, Esquire, of the 24th of December, giving the above orders for the infraction of the treaty, and to which the letter, from whence the foregoing extracts are taken, is an answer, doth not appear, any otherwise than as the same is recited in the said answer.

XXXI.

THAT, notwithstanding the disorders and deficiencies in the revenue aforesaid had continued and increased,

and that three very large balances had accumulated, the said Warren Hastings did cause the treasury accounts at Calcutta to be examined and scrutinized, and an account of another arrear, composed of various articles, pretended to have accumulated during seven years previous to the year 1779 (the articles composing which, if they had been just, ought to have been charged at the times they severally became due) was sent to the Resident, and payment thereof demanded, to the amount of 260,000*l.* sterling; which unexpected demand, in so distressed a situation, did not a little embarrass the Nabob. But whilst he and his ministers were examining into the said unexpected demand, another, and fifth balance, made up of similar forgotten articles, was demanded, to the amount of 140,000*l.* sterling more: which said two last demands did so terrify and confound the Nabob and his ministers, that they declared that the Resident "might at once take the country, since justice " was out of the question."

XXXII.

THAT the said Hastings, in order to add to the confusion, perplexity, and distress of the Nabob's affairs, did send to his Court (in which he had already a Resident and Assistant resident) two secret agents, Major Palmer and Major Davy, and did instruct Major Palmer to make a variety of new claims, one of a loan to the Company of 600,000*l.* sterling, although he well knew the Nabob was himself heavily in arrear to the Company, and was utterly unable to discharge the same, as well as in arrear to his own troops and to many individuals, and that he borrowed (when he could at all borrow) at an interest of near thirty per cent. To this demand was added a new bribe or unlawful present to himself, to the amount of 100,000*l.* sterling, which he did not refuse as unlawful, and of evil example, but as *indelicat*e in the Nabob's present situation; and did, as if the same was his own property, presume to dispose of it, and to desire the transfer of it, as of his own bounty, to the Company his masters. To this second demand, he the said Hastings added a third demand, of 120,000*l.* sterling, for four additional regiments on the Nabob's list, after he

he had solemnly engaged to take off the ten with which it had been burdened ; the whole of the claims through his private agent aforesaid, making the sum of 820,000l. sterling.

XXXIII.

THAT the demands, claims, &c. made by the said Warren Hastings upon the Government of Oude, in that year amounted to the enormous sum of 2,530,000l. sterling, which (joined to the arrears to troops, and some internal failures, amounting to 255,000l. sterling more) the whole charge arose to 2,785,000l. sterling, which was considerably more than double the net produce of the Nabob's revenue, the same only amounting to 1,450,000l. "nominal revenue, never completely realized."

XXXIV.

THAT, towards providing for these extravagant demands, he, the said Warren Hastings, did direct and authorize another breach of the public faith, given in the treaty of Chunar. For whereas, by the second article of the treaty aforesaid, it was left to the Nabob's discretion, whether or not he should resume the landed estates called jaghires, within his dominions ; and, notwithstanding the said Hastings, in defence of the said article, did declare, that the Nabob should be left to the exercise of his own authority and pleasure respecting them, yet he the said Hastings, did authorize a violent compulsion to be used towards the said Nabob, for accomplishing an universal confiscation of that species of landed property ; and in so doing he did also compel the Nabob to break his faith with all the landholders of that description, not only in violating the assurance of his own original grants, but his assurance recently given, when being pressed by the Company, he [the Nabob] had made a temporary seizure of the profits of the lands aforesaid, in the manner of a compulsory loan ; for the re-payment of which he gave his bonds and obligations : and although he had at the same time solemnly pledged his faith, that he never would again resort to the like oppressive measure, yet
he

he, the said Warren Hastings, did cause him to be compelled to confiscate the estates of at least sixty-seven of the principal persons of his country, comprehending therein his own nearest relations, and the ancient friends and dependants of his family: the annual value of the said estates thus confiscated, amounting to 435,000*l.* sterling, or thereabouts, upon an old valuation, but stated by the Resident Middleton as being found to yield considerably more,

XXXV.

THAT the violent and unjust measure aforesaid, subversive of property, utterly destructive of several ancient and considerable families, and most dishonourable to the British Government, did produce an universal discontent, and the greatest confusion throughout the whole country; the said confiscated lands being on this occasion put to rack rents, and the people grievously oppressed. And to prevent a possibility of redress, at least for a considerable time, the said confiscated estates were mortgaged (it appearing otherwise impracticable to make an approach towards satisfying the exorbitant demands of the said Hastings) for a great sum, to certain usurious bankers or money dealers at Benares,

XXXVI.

THAT besides these enormous demands, in part made for the support of several corps of troops under British officers, which, by the treaty of Chunar, ought to have been removed, very large extra charges, not belonging to the military list of the said Nabob, and several pensions were continued, and others newly put on; namely, an allowance to Sir Eyre Coote of 15,554 rupees per month (being upwards of 18,664*l.* sterling a year) and an allowance to Trevor Wheeler, Esquire, of 5000 rupees per month (or 6000*l.* sterling, and upwards, a year) and the whole of the settled charges, not of a military nature, to British subjects, did amount to little less than 140,000*l.* yearly; and if other allowances, not included in the estimate, were added, would greatly exceed that sum, besides much more which may be justly suspected to have been paid, no part whereof
had

had at that time been brought forward in any public account.

XXXVII.

THAT the commander of one of these corps, of whose burden the said Nabob did complain, was Lieutenant-colonel Alexander Hannay, who did farm the revenues of certain districts, called Baraitch and Gorachpore, which the said Hastings, in the 9th article of his instructions to Mr. Bristow, did estimate at 23 lacks of rupees, or 230,000l. per annum; but under his, the said Hannay's management, the collections did greatly decline; complaints were made that the countries aforesaid were harrassed and oppressed, and the same did fall into confusion; and at last the inhabitants broke out into a general rebellion.

XXXVIII.

THAT the far greater part of the said heavy list was authorised or ordered by him the said Warren Hastings, for the purpose of extending his own corrupt influence. For it doth appear, that at the time when he did pretend, in conformity to the treaty of Chunar aforesaid, to remove the Company's servants, "*civil*" and military, from the Court and service of the "*Vizier*," he did assert, that he thereby did "*diminish*" his *own influence*, as well as that of his colleagues, by "*narrowing the line of patronage*;" which proves, that the offices, pensions, and other emoluments aforesaid, in Oude, were of *his* patronage, as his patronage could not be diminished by taking away the said offices, &c. unless the same had been substantially of his gift; and he did, at the time of the pretended reformation aforesaid, express both his knowledge of the existence of the said excessive and abusive establishments, and his sense of his duty in taking them away; for in agreeing to the article in the treaty of Chunar, for abolishing the said establishments, he did declare himself "*actuated*" solely by motives of *justice* to the Nabob, and a regard to the *honour of our national character*;" and, according to his own representation, the said servants
of

of the Company, civil and military, “ by their numbers, their influence, and the *enormous amount* of their salaries, pensions, and emoluments, were an *intolerable* burden on the revenues and authority of the Vizier; and exposed us to the *envy and resentment* of the *whole country*, by excluding the native servants and adherents of the Vizier from the rewards of their services and attachments.”

XXXIX.

THAT the revenue of the country being anticipated, mortgaged, and delapidated, by the counsel, concurrence, connivance, and influence, and often by the direct order of the said Warren Hastings, the whole civil government, magistracy, and administration of justice, gradually declined; and at length totally ceased, though the whole of the vast provinces which compose the territory of Oude; and no power was visible therein, but that of the farmers of the revenue, attended by bodies of troops to enforce the collections; insomuch that robberies, assassinations, and acts of every description of outrage and violence, were perpetrated with impunity; and even in the capital city of Lucknow, the seat of the sovereign power, there was no court of justice whatever to take cognizance of such offences

XL.

THAT the said Warren Hastings, when he did interfere in the Government of Oude, was obliged by his duty to interfere for the good purposes of government, and not merely for the purpose of extorting money therefrom, and enriching his own dependants; which latter purpose alone he did effect in the manner before mentioned, but not one of the former. For the said Hastings having procured the extraordinary powers given by and to himself by his delegation of the 3d of July 1781, did declare the same to be for the purpose, among many others, “ of assisting the Nabob Vizier in forming such regulations as may be necessary for the peace and good order of his government, and the improvement of his revenue.” And in consequence of

of the said powers the said Warren Hastings did, in the treaty of Chunar, obtain an article from the Nabob, by which the said Nabob did promise to attend to his advice in the reformation of his civil administration; and he did give certain instructions to the Resident. Middleton, to which he did require him to yield *the most implicit obedience*; and did in one article thereof direct him to urge the Nabob to endeavour gradually, if it could not be done at once, to establish courts of adawlet [justice] and that the darogas, [chief criminal magistrates] moulabies, [consulting or assistant lawyers] and other officers, should be selected by the ministers, with *his* the Resident's concurrence: and afterwards, in his instructions to the Resident Bristow, desiring him to pursue the same object, he declared his opinion, "that the want of such courts, and the extreme licentiousness occasioned thereby, is one of the most disreputable defects in his Highness the Nabob's government. And that while they do not exist, every man knows the hazard which he incurs in lending his money." But he did give him the said Resident, no positive instruction concerning the same, supposing the establishment of such courts a matter of difficulty; and did therefore leave him a latitude in his proceedings therein.

XLI.

THAT the said Resident Bristow did, however, in conformity to the said instructions, at last given with such latitude, endeavour to prevail on the Nabob's Minister, gradually to introduce courts of justice for [the cognizance of crimes; by beginning to establish a criminal court under a native Judge, to judge according to the Mahomedan law, in the city of Lucknow. But Hyder Beg Khan, a minister of the said Warren Hastings's nomination, and solely dependent upon him, did elude and obstruct, and in the end totally defeat, the establishment of the same.

XLII.

THAT the obstruction aforesaid, and the evil consequences thereof, were duly represented to the said

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Hastings;

Hastings; and though the said Hastings had made it the fourth article of a criminal charge against the Resident Middleton, "that he did not report to the Governor General, or to the Board, the progress which he had made from time to time in his endeavours to comply with his instructions; and that, if he met with any impediments in the execution of them, he had omitted to state those impediments, and to apply for fresh orders upon them;" he the said Hastings did give no manner of support to the Resident Bristow against the said Hyder Beg Khan, and did not even answer several of his the said Bristow's letters, stating the said impediments, or take any notice of his remonstrances; but did at length revoke his own instructions, declaring that he, the said Resident, should not presume to act upon the same; and yet did not furnish him with any others upon which he might act; but did uphold the said Hyder Beg Khan in the obstruction by him given to the performance of the first and fundamental duty of all government; namely, the administration of justice, and the protection of the lives and property of the subject against wrong and violence.

XLIII.

THAT the said Hastings did afterwards proceed to the length of criminating the Resident Bristow aforesaid, for his endeavours to establish the said necessary court, as an invasion of the rights of the Nabob's government; whereas, if the Nabob, in his own proper person and character, and not Hyder Beg (who was a creature of the said Hastings) had opposed the re-establishment of justice in the said country, it was the duty of the said Hastings to have pressed the same upon him by every exertion of his influence. And the said Warren Hastings, for having pretended an attention to the Nabob's authority, when exercised by his the said Hastings's Minister, in preventing the establishment of courts of justice for the protection of life and property, at the same time that he did not hesitate, in the case of the confiscation of the Jaghires, and the proceedings against the mother and grandmother of the Nabob, totally to supersede his authority, and to force his inclinations

nations in acts which overturned all the laws of property, and offered violence to all the sentiments of natural affection and duty, accusing at the same time his instruments for not going to the utmost lengths in the execution of his orders, is guilty of an high crime and misdemeanor.

XLIV.

THAT the said Hastings did highly aggravate his offence, in discountenancing and discouraging the re-establishment of magistracy, law, and order, in the country of Oude; insomuch as he did in the eighth article of his instructions to the Resident Bristow, order him to exercise powers which ought to have been exercised by lawful magistrates, and in a manner agreeable to law. And in the said article he did state the prevalence of rebellion in the said country of Oude, as if rebellion could exist in a country in which there was no magistracy, and no protection for life or property, and in which the native authority had no force whatever; and in which he himself states the exercise of British authority to be an absolute usurpation: and he did accordingly direct a rigorous prosecution against the offence of rebellion under such circumstances, but "with a fair and impartial inquiry;" when at the same time he did not permit the establishment of those courts of justice and that magistracy, by which alone rebellion could be prevented, or a fair and impartial inquiry relative to the same could be had. And particularly he did instruct the said Resident to obtain the Nabob's order for employing "some sure means" for apprehending certain zemindars, and particularly three, in the instruction named, against whom he the said Hastings did charge, upon what he calls good information, founded upon some facts, to which he asserts he has the testimony of several witnesses, "that they had the destruction of Colonel Hannay, and the officers under his command, as their immediate object, and ultimately the extirpation of the English influence and power throughout all the Nabob's dominions;" and that they did still persevere in their rebellious conduct without deviation, "though the Nabob's, and not our

“ Government, was then the object of it.” And he did direct the said Resident, that if it should appear, *on* “ a fair and regular inquiry, that their conduct towards “ the Nabob had been such as it had been reported to “ be, to insist upon the Nabob’s punishing them with “ death; and to treat with the same rigour every zemindar, and every subject, who shall be the leader in “ a rebellion against his authority.”

XLV.

THAT the crime of the said Hastings, in his procedure aforesaid, was farther highly aggravated by his having received information, of several striking circumstances which strongly indicated the necessity of a regular magistracy and a legal judicature, and which circumstances had arisen from the total failure of justice, affecting not only the subjects at large, but even the reigning family itself; as also of the causes why no legal magistracy could exist, and why the Princes of the reigning family were not only exposed to the attacks of assassins, but even to a want of the protection which might be had from servants and attendants, who were driven from them for want of that maintenance which the Princes their masters could not procure even for themselves. And the circumstances aforesaid were detailed to him the said Hastings by the Resident Bristow, in a letter from Lucknow, dated the 29th January 1784, in the terms following;

“ The frequent robberies and murders perpetrated “ in his Excellency’s the Vizier’s dominions have been “ too often the subject of my representations to your “ honourable Board. From the total want of police, “ hardly a day elapses but I am informed of some tragical event, whereof the bare recital is shocking to “ humanity. About two months since an attempt was “ made to assassinate Rajah Ticket Roy, the acting “ Minister’s confidential agent; but he happily escaped “ unhurt. Nabob Bahadre, *his Highness’s brother*, has “ not been so fortunate, as will appear from translations of two of his letters to me, No. I. which I “ have the honour to inclose for your information. “ Although

" Although my feelings are sensibly hurt, and my
 " compassion strongly excited by *the disgraceful and*
 " *miserable state of poverty to which his Excellency's bro-*
 " *thers are reduced*, yet, situated as I am, it is not in
 " my power to interfere with effect. My efforts on a
 " former occasion failed of success, and my interposition
 " now would only excite the resentment of the Minister to-
 " wards the unhappy sufferers, in consequence of their ap-
 " plication to me, from whom ALONE, however, they hope
 " for relief from their present distress; which, their near
 " connection with the Vizier considered, is both shame-
 " ful and unprecedented. That no regular courts of
 " justice have been established in this country is parti-
 " cularly pointed at in my instructions as the most dis-
 " reputable defect in his Highness's government; yet
 " the Minister seems determined on abolishing even the
 " shadow of so necessary an institution. The office of
 " Chief Justice, as held by Molovy Morobine, was
 " ever nugatory; but now it is sunk into the lowest
 " contempt. The original establishment, inadequate
 " as it was, is mouldering away, and the officers now
 " attached to it are literally starving, as no part of their
 " allowance has been paid for above six months past.
 " He himself has proposed to resign his appointment,
 " being every way precluded from a possibility of ex-
 " ercising the duties of it."

XLVI.

THAT it appears by the said letter, and the papers
 therewith transmitted, as well as by other documents in
 the said correspondence, that in consequence of the dis-
 tress brought upon the Nabob's finances, certain of the
 Princes, his brethren, the children of Sujah ul Dowlah,
 the late Sovereign of the country, were put upon pen-
 sions unsuitable to their birth and rank; and that, by
 the mismanagement of the Minister aforesaid (ap-
 pointed by the said Warren Hastings) for two years to-
 gether no considerable part of the said inadequate pen-
 sion was paid; and not being able to maintain the at-
 tendants necessary for their protection in a city in which
 all magistracy and justice was abolished, they were not
 only liable to suffer the greatest extremities of penury,
 out

but their lives were exposed to the attempts of assassins. The condition of one of the said Princes, called the Nabob Bahadur, being by himself strongly expressed in three letters to the said Resident Bristow, the first dated the 28th of December 1783; the second, the 7th of January 1784; and the third, the 15th of January 1784; which letters were duly transmitted in the dispatch of the 29th of the same month, to Warren Hastings, Esq., and are as follow :

“ Your own servant carried you the account of what he himself was an eye witness to, after the affair of last night. These are the particulars:— About midnight my aunt received twelve wounds from a ruffian, of which she died. I also received six successive stabs, which alarmed the people of the house, who set up a shouting; whereupon the assassin run off. Besides being *without food, or the means of providing any*, this misfortune has befallen me. *I am desirous of sending the coffin to your door.* It is your duty, both for the sake of God and of Christ, to execute justice, and to inquire what harm I have done to the murderer sufficient to deserve assassination, or even injury. *You now stand in the place of his Excellency the Vizier.* I request you will do me justice, What more can I say ?

P. S. “ I am also desirous to shew you my wounds.”

From the same, 29th January 1784.

“ You have been duly informed of all the circumstances relative to both the murder of the innocent, and of my being wounded, as well by my former letter, as by the messenger whom you sent to inquire into the state of my health; and I have every reason to hope, from your known kindness, that you will not be deficient in seeking out the assassin. *I am at this moment overwhelmed in misfortune. Whilst the blood is flowing from my wounds, neither I, nor my children, nor my servants, have wherewithal to procure subsistence; nor have I it in my power either to purchase remedies, or to reward the physician —* *’tis for*
“ the

“ *the sake of God alone that he attends me.* Thus load-
 “ ed with calamity upon calamity, I am unable to sup-
 “ port life, for I find no relief from any affliction
 “ either day or night. Do you now stand in the place
 “ of my father; grant me fresh life by speedy acts of
 “ benevolence.

“ For these two last years his excellency establish-
 “ ed a pension for me of twenty thousand rupees;
 “ but I never received the full amount of it, either last
 “ year or the year before. Should it, however, be
 “ paid me, though inadequate to my desires, I shall still
 “ be enabled to support myself. From the beginning
 “ of this year to the present time I have not receiv-
 “ ed a farthing, nor do I expect any, though, if
 “ you afford protection to the oppressed, all my
 “ wishes will be accomplished. I was desirous of wait-
 “ ing on you with my family, that you might be an
 “ eye witness to their condition; but I was advised not
 “ to stir out on account of my wounds. What more
 “ can I say?

The following extracts are made from the third letter
 from the same Prince, dated January 15, 1784:

“ The particulars of the late and unforeseen mis-
 “ fortune with which I have been overwhelmed, are
 “ not unknown unto you; that the innocent blood of
 “ my aunt, *the prop and ruler of my family*, was shed,
 “ and, in the same manner, I too was wounded. Un-
 “ til now I feel the pain and affliction of my wounds;
 “ and *no person has regarded my solicitations for redress,*
 “ *sought after the assassin, and brought him to condign pu-*
 “ *nishment, yourself excepted.*”—“ In like manner, as
 “ the honourable Governor General has adopted my
 “ brother, Saadut Ally Cawn, for his son, and re-
 “ lieved him from the vexation, affliction, and depen-
 “ dence of this place, would it be extraordinary that
 “ you also should, in your bounty and favour, consent
 “ to adopt me, who do not possess the necessaries of
 “ life, and permit me to attend you to whatever part
 “ of the world you may travel, whereby I shall at all
 “ times derive honour and advantage? Formerly us
 “ three

“ three brothers, Saadut Ally, Myrza Jungly, and I,
 “ the poor and oppressed, were, in the presence of our
 “ blessed father, whose soul rests in heaven, treated
 “ alike. Now the ministers of this government put
 “ me upon a footing with our younger brothers, who
 “ have lately left the Zennana, and whose expences are
 “ small. On this scale, which is in every respect in-
 “ sufficient for my maintenance, they pay *the pitiful al-*
 “ *lowance only when it is their pleasure to do it.* My
 “ situation has for years past been increasing in wretch-
 “ edness, to a degree that *I am in want of daily bread,*
 “ *and my servants and animals are dying of hunger.*
 “ *My distresses are so great, that I have not been able to*
 “ *pay a daum to the surgeons for the cure of my wounds;*
 “ *and they too are discouraged from affording me their as-*
 “ *sistance, or furnishing me with medicines.* How then
 “ is it possible for me to exist? Considering you as my
 “ patron, participating in my afflictions, I have repre-
 “ sented the circumstances concerning my situation;
 “ and I hope, from your friendship, that you will ho-
 “ nour me with a favourable answer.”

XLVII.

THE Resident Bristow did also receive a strong appli-
 cation from three others of the brethren of the reign-
 ing sovereign, called Mirza Hyder Ali, Mirza Ennayut
 Ali, and Mirza Sief Ali, representing their very piti-
 able case, in a letter of the 9th of March 1783, in
 which, among other particulars, are contained the fol-
 lowing :

“ Our situation is not fit to be represented. *For two*
 “ *years we have not received a kubba* on account of our
 “ tuncaw, [assignment on the revenue] though the Mi-
 “ nisters have annually charged a lack of rupees, and
 “ never paid us any thing. *After all, we are the sons*
 “ *of Sujab ul Dowlab!* It is surprizing, having such a
 “ friend as you, our situation is arrived at that pass,
 “ that we should be in distress for *dry bread and clothes.*
 “ Whereas you have done many generous acts, be
 “ pleased so to shew us your favour, that, by some
 “ means, we may receive our allowances from the Com-
 “ pany’s

"pany's Treasury, and not be obliged to depend upon
"and solicit others for it."

XLVIII.

THAT one of the princes aforesaid, called the Mirza Jungly, about the beginning of the year 1783, was obliged to fly from the dominions of the Nabob of Oude, and to leave his country and connections; and as the Resident Bristow, writing from Lucknow, hath observed, "he went to try his fortune at other Courts; "in preference to *starving at home*, which might have "been his fate, by all accounts, at this place." And the said Prince sought for succour at the Court of one of the neighbouring Mahomedan Princes; but, conceiving some disgust at the treatment he met with there, he departed from thence, and on the 8th of February 1783, arrived at the Mahratta camp, while David Anderson, Esq. was there in the character of Minister Plenipotentiary to the Company, with a view, if his reception should not prove answerable to his wishes, to pass on to the southward. And the said Anderson, probably considering this event as of very great importance to the honour of the British Government, as well as to its interest, on the one hand, by exhibiting the son and brother of a sovereign Prince, from whom the Company had received many millions of money, a fugitive from his country, and a wanderer for bread through the Courts of India; and, on the other, the consequences which might arise from the Mahrattas having in their possession, and under their influence, a son of the late Nabob of Oude, did, without delay, advise Warren Hastings, Esq. of the event aforesaid; and he did also write to Mr. Bristow, the Resident at the Court of the Nabob Vizier, several letters of the 9th and 20th of February, and of the 6th of March, and 6th of April 1783, in order that some steps should be taken for his return, and establishment in his own country. And the said Anderson did inform the Resident Bristow, in his letter aforesaid, that, on the arrival of the fugitive Prince, brother of the reigning sovereign of Oude, at the Mahratta Camp, he did cause his tent to be pitched close to that of Mr. Anderson; but finding this not

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agreeable

agreeable to the Mahratta General, Scindia, he afterwards removed : and that he shewed a strong attachment to the English, and was inclined to throw himself upon their generosity ; that he was desirous of going to Calcutta, and declared, that if he, the said Anderson, “ would give him the smallest encouragement, “ he would quit all his followers, and come alone, and “ would take up his residence under his protection.” And the said Anderson did declare, that he thought it “ would be policy, and much to the credit of our Government, that some provision should be made for “ Mirza Jungly in our territories.”

XLIX.

THAT the said Bristow did represent the aforesaid circumstances to Hyder Beg Khan, Minister to the Nabob of Oude, declaring it his opinion, “ that his “ Highness’s brothers thus taking refuge with a foreign “ Prince is a reflection upon the Vizier ; and it would “ be adviseable that an allowance should be granted “ to him, upon the footing of his brothers, that he “ might remain in the presence.” But the Nabob was induced to refuse to his brother any offer of any allowance beyond the 200l. per month allowed, but not paid, to his other brothers ; and which the said Prince did observe to Mr. Anderson, “ that it was not only inadequate to his expences, but infinitely less,” as the truth was, “ than what his Excellency has settled on many “ persons of inferior rank, who have not so good a “ claim to his support ; and that it would not be sufficient to enable him to live at Lucknow, where all “ his friends and relations were, and so many of his “ inferiors lived in a state of affluence.” In case, therefore, it could not be increased, he requested leave to live in the Company’s provinces ; or at Calcutta ; for that, in any of these situations, “ he could with “ less difficulty regulate his expences.” And he did declare, that if his request was granted to him, he would immediately quit all his prospects with Scindia. To these propositions he received a very discouraging answer from his brother’s Minister, containing a positive and final refusal of any increase of allowance, obtaining

taining only the Nabob's permission to retire into the Company's provinces: but Mr. Anderson did not think himself authorised to take any steps for the Prince's retreat into the said province, *without Scindia's concurrence*, who, he observed, would use *every art to detain him*; and accordingly did offer him the command of a battalion of infantry, to be paid directly from his own Treasury, and 6000*l.* sterling a year for keeping up a corps of horse, and to settle upon him a landed estate of 4000*l.* a year as a provision for his wife and children; which honourable offers, it appears, he did accept, and did and doth remain in the Mahratta service.

L.

THAT, during the whole course of this transaction, the said Warren Hastings was duly advised thereof, first by a very early letter from the said Anderson, and afterwards by the Resident Bristow, who, on the 23d of April 1783, transmitted to him his whole correspondence with Mr. Anderson; but what answer or instructions the said Warren Hastings did give to Mr. Anderson does not appear, he not having recorded any thing upon that subject: but it appears, that, to the Resident Bristow, who required to be informed whether the reception of the fugitive Prince aforesaid in the Company's provinces would meet his approbation, he gave no answer whatsoever; by which criminal neglect, or worse, with regard to a brother of an ally of the Company, who shewed a strong attachment and preference to the English nation, and by suffering him, without any known effort to prevent it, to attach himself to the cause and fortunes of the Mahrattas, who he, the said Hastings, well knew did keep up claims upon several parts of the dominions of Oude, and had with difficulty been persuaded to include the Nabob in the treaty of peace, and suffered him first to languish at home in poverty, and then to fly abroad for subsistence; and the said Hastings, afterwards, took no step, and countenanced no negotiations for his return from his dangerous place of refuge, at the same time that several of his the said Hastings's creatures had each of

them allowances much more considerable than would have sufficed for the satisfaction and comfort of him the said fugitive Prince, was guilty of a high crime and misdemeanor.

XI.

THAT an account of the indigent condition before related of the other brothers of the Nabob, was also duly transmitted to the said Warren Hastings; but he did never order or direct any steps whatsoever to be taken towards the relief of the family of a reigning Prince, who were daily in danger of perishing by famine, through the effect of his measures, and those of a person whom he supported in power, against the will and inclination of the said Prince and his family.

LII.

THAT the foregoing instances of the penury, distress, dispersion, and exile of the reigning family, as well as the general disorder in all the affairs of Oude, did strongly enforce the necessity of a proper use of the British influence (the only real Government then existing) in the province aforesaid, for a regulation of the œconomy of the Vizier's Court, as well as for the proper administration of the public concerns, civil and military, which were in the greatest disorder; and the said Warren Hastings was under obligation to provide for the same, and did himself understand it to be his duty so to do; and that he was therein warranted by the spirit of the treaty of Chunar, as well as by the universal powers of control, and even of supercession, supposed by him to exist in the relation between the British Government and that of Oude; and accordingly he did, in his instructions to the Resident Middleton, to which he required his most implicit obedience, direct him to an interference in and control upon all affairs concerning the revenues, the military arrangements, and all the other branches of the Nabob's Government.

LIII.

THAT, upon his recal of the said Middleton, he, in his instructions to the Resident Bristow, dated the 23d of October

October 1781, did, at large, set forth the situation of the Court and Government of Oude; the situation and character of the Nabob; of the acting Minister; and of the British Resident at that Court; and did plainly, distinctly, and without reserve, describe the extent of the authority to be exercised by the last of these persons, as well as the unqualified compliance to be expected from the two former. And he did accordingly declare, that, "*from the nature of our connection with the Government of Oude, and from the Nabob's incapacity, a necessity will for ever exist, while we have the claim of a subsidy upon the resources of his country, of exercising an influence, and frequently substituting it ENTIRELY, in the place of an avowed and constitutional authority in the administration of his [the Nabob's] Government;*" and he did farther, in the said instructions, namely, in instruction the fourth, direct the said Resident in the words following:—"I must have recourse to you for the introduction of a *new* system in that Government; nor can I omit, whilst I express my reliance on you for that purpose, to repeat the sentiments which I expressed in the verbal instructions which I gave you at your departure, *that there can be no medium in the relation between the Resident and the Minister, but either the Resident must be the slave and vassal of the Minister, or the Minister at the absolute disposal of the Resident.*" And he the said Hastings did state, in the same article of the instructions aforesaid, that though the conduct of the said Hyder Beg Khân had been highly reprehensible, and that he was much displeased thereat, he would prefer him to any other, on account of his ability and knowledge of business, with the following proviso: "If he would *submit* to hold his office on such conditions *as I require.*" He exists by his dependence on the influence of our Government. It must be advisable to try him by the mode of conciliation; at the same time, that, in your *final conversation with him*, it will be necessary to declare to him, in the *plainest terms*, the footing and condition on which he shall be *permitted* to retain his place; with the alternative of a dismissal, and a scrutiny into his conduct, if he refuses it. In the first place

“ place, I will not receive from the Nabob, *as his*, letters dictated by the *spirit of opposition*; but shall consider every such attempt, *as an insult on our Government*. In the second place, I shall expect that *nothing* is done in his official character but with your knowledge and participation.”

LIV.

THAT the said Hastings having described, in the manner aforesaid, the relative situation of the Resident and the Minister, he did state also the relative situation of the said Minister and his master the Nabob, declaring, “ that the Minister did hold *without control* the unparticipated and entire administration, with all the powers annexed to that government; the *Nabob being, as he ever must be in the hands of some person, a mere cypher in his*” [the Minister’s.] And having thus stated the subordination of the Minister to the Resident, and the subordination of the Nabob to the Minister, he did naturally declare, “ that the first share of the responsibility would rest upon the said Resident.” And he did farther declare, “ that the other conditions did follow distinctly in their places, because he did consider *the Resident as responsible for them.*”

LV.

THAT for the direction of the Resident in the exercise of so critical a trust, wherein all the true and substantial powers of Government were in an inverted relation and proportion to the official and ostensible authorities, and wherein the said Hastings did suppose the necessity constantly existing for exercising an influence and frequently for substituting *entirely* the British authority “ in the place of the avowed and constitutional government,” he, the said Hastings, did properly leave to the Resident a discretionary power for his deviation from any part of his instructions; interposing a caution for his security and direction, that as much as he could, he would leave the subject free for his (the said Hastings’s) correction of it; and would instantly inform him, or the Board, according to the degree of its importance, with his reasons for it.

LVI. THAT

LVI.

THAT besides the institution of the Courts of Justice, as before recited, four other principal objects in the reformation of the affairs of Oude, were expressly recommended to the Residents Middleton and Bristow, and these objects are the conditions upon which the said Hastings must have meant to have it understood, that the acting Minister of Oude was to hold his employment; namely, the limitation of the Nabob's personal expences; the reduction of the Nabob's troops in number, with a change in the arrangement; the appointment of proper collectors for the revenues; and the appointment of proper officers for all parts of the executive administration.

LVII.

THAT the first object, namely, that of the limitation of the Nabob's personal expences, and separating them from the public establishments, he, the said Hastings, did state, as the first and fundamental part of his regulation, and that upon which all the others would depend; and did declare, "that in order to prevent the Vizier's alliance from being a clog instead of an aid to the Company, that *the most essential* part is to *limit* and *separate* his personal disbursements from the public accounts: *they must not exceed* what he has received in any of the last three years." And as to the public treasury and disbursements, he, the said Hastings, did, in the said instructions, wholly withdraw them from the personal management or interference of the Nabob; and did expressly order and direct, "that they should be under the *sole* management of the Minister, with the Resident's concurrence." And on the appointment of the Resident Bristow, in October 1782, he, the said Hastings, did order and direct him in every point of the instructions to Middleton, not revoked or qualified by his then instructions, his (the said Resident Bristow's) "most attentive and literal obedience."

LVIII.

THAT the said Resident Bristow did, in consequence of the renewal to him of the said instructions as aforesaid, endeavour to limit and put in order the Nabob's expences;

expences; but he was in that particular traversed and counteracted, and in the end wholly defeated, by the Minister, Hyder Beg Khân. And though the obstructions aforesaid, agreeably to the instructions given to Middleton, and to him the said Bristow, were represented to the said Warren Hastings, by the Resident aforesaid, yet the said Warren Hastings did give no kind of support to the said Resident, or take any steps towards enabling him, the said Resident, to effectuate the said necessary limitation and distribution of expences, by himself the said Hastings ordered and prescribed; nor, if he disapproved the proceedings of the said Resident, did he give him any instruction for the forbearance of the same, or for the exerting his duty in any other mode; nor did he call for any illustration from him of any thing doubtful in his correspondence, nor state to him any complaint made privately of his conduct, in order to receive thereon an explanation; but he did leave him to pursue, at his discretion, the extensive powers before described, to effect the reformation which he was directed to accomplish, under the responsibility denounced to him as aforesaid, if he should fail therein, as he was supposed to be substantially invested with all the powers of Government.

LIX.

THAT instead of the said support or instruction, he, the said Hastings, did countenance, or more probably cause or direct a representation to be made to him by the acting Minister of the Nabob of Oude, complaining grievously of the proceedings of the Resident aforesaid, as usurpations on the Nabob's authority, and indignities on his person. And although he, the said Hastings, did instruct the Resident Bristow, to inform the said Hyder Beg Khân, that he would not receive from the Nabob as *his*, letters dictated by the spirit of opposition, but should consider every such attempt of his (the Minister's) as an insult on our Government; yet he did receive, as *his*, the Nabob's own letters, and as written from the impressions on his own mind, and as the suggestions of his own judgement, letters to the same effect as those written by the Minister, although he had declared upon record, that the said "Nabob was a mere cypher in
" his

“ his the said Minister’s hands,” and “ that he had declared to use both the Nabob’s name, and even his seal, affixed to letters either directed to the Nabob, or written as from him without his knowledge;” and although he did assert or record as aforesaid, that in a letter which he had lately received from the Nabob, the Minister had the presumption to make the Nabob declare that which was *true* to be *false*; and that, “ his making use of the Nabob in such a manner, did shew how thin the veil was by which *he* covered *his own* acts; and that such artifices would only tend to make them the more criminal, from the *falsehood and duplicity with which they were associated.*”

LX.

THAT the said Hastings did act upon the letters pretended to be written by the Nabob, as well as on those actually written by the Minister, without previously communicating the matter of the said complaint to the said Resident, and did give credit to the same; though coming from a person by himself (the said Hastings) charged as aforesaid with artifice, falsehood, and duplicity, and with abusing to his own evil purposes, the name and seal of his master without his knowledge, and did proceed without any previous inquiry into the facts and circumstances; and did thereon ground an accusation against the said Resident, Bristow, before the Board at Calcutta, in which he did represent the conduct of the said Bristow, in attempting to limit the household expences of the Nabob, as an indignity [“ which no man living, however mean his rank in life, or dependent his condition in it, would permit to be exercised by any other, without the want or forfeiture of every manly principle.”] And he did farther accuse the said Bristow, for that in his proceedings in the regulation of the Nabob’s household, “ he should receive to himself, or Mr. Cowper for him, or a treasurer for both (for the arrangement has never been well defined) the money assigned for the support of the Nabob’s household; issue them as he pleased, not to the Nabob, but to the menial officers of his household; dispose of his superfluous horses,

“ and other cattle ; determine how many elephants were
 “ necessary to the state of the Vizier of the empire ;
 “ the number of domestics for his attendance ; and pry
 “ into the kitchen, for the purpose of ascertaining the
 “ quantity of victuals which ought to be dressed in it ;
 “ control the accounts of these disbursements ; and ap-
 “ propriate to his own use (for that the consequence was
 “ inevitable, if he chose it) the residue produced by
 “ these economical retrenchments.”

LXI.

THAT the said charge is malicious and insidious, because the attempt to introduce proper officers for the management of household expences, so considerable that the said Hastings has stated the allotment for the same at 300,000*l.* sterling yearly, and that other accounts have carried it to 400,000*l.* sterling and upwards, and to keep proper and regular accounts thereof was a necessary regulation, and agreeable to the dignity of the Nabob, and by no means a degradation either of his person or authority, which latter was specially provided for in the regulations, as no expence could be incurred but by his own personal warrant under his sign manual ; nor doth there appear therein any thing but what is of absolute necessity to prevent embezzlement to his prejudice. And the said Hastings hath declared, in the 5th article of the instructions to the said Resident, that *no* administration can be properly conducted without regular offices ; and that in the whole province of Oude “ there was *not one*, the *whole* being engrossed by “ the Minister ;” of which Minister, in the 14th article, he declares his suspicion, that the Nabob did not receive the whole and punctual payment of the sum assigned for the purpose of the household, but that some part had been by him withheld from the Nabob ; and that from private information he had lately received, he had reason to believe, that this was actually the case. And the said Hastings well knew, that the Nabob’s household had been ill conducted ; that the allowances of his servants had not been paid ; that his distress was scandalous ; and that his nearest relations were in a famishing condition. And the said Hastings
 did

did also well know, that the household of the Nabob was provided for or neglected, not at his own discretion, but at that of the said Hyder Beg Khan; and he did, in the 14th article aforesaid, instruct the Resident, Bristow, to shew every ostensible and external mark of respect to the Nabob, in order to induce him to become himself the mover of every act necessary for the advancing of his own interests, and the discharge of his debts to the Company; declaring, "that they never could be effected while the Minister retained that ascendancy over him which he at present holds by the means of a nearer and more private intercourse, and by affecting to be the mediator of his rights against the claims of our Government." And the said Hastings did farther well know, that there was no way of ascertaining either the payment of the assignments for the Nabob's household, for the general purposes of their destination, or to the particular objects to which they ought to be applied, without regular offices of receipt and of account, which might prevent the said Minister, Hyder Beg Khan, or the British Resident, or any other, from embezzling or misapplying the same. But the total want of offices aforesaid in every department of Government, did furnish occasion of concealing all frauds, clandestine presents, or pensions to a Governor General, Commander in Chief, or other servant of the Company.

LXII.

THAT the said Warren Hastings, who did pretend so deep a concern for the indignities supposed to be suffered by the Nabob, merely in the limitation and regulation of unnecessary expences relative to his kitchen, domestics, &c. did shew no attention or compassion to the said Nabob, when, in the year 1779, the said Nabob represented, that the pensions of his old servants, for thirty years, the expences of his family and kitchen, together with the jaghires of his grandmother, mother, and aunts, and of his brothers and dependants,

dants, given for their support, were not *regulated* but *stopped*.

LXIII.

THAT the other articles of regulation, namely, the reform of the troops in number and in arrangement; the appointment of proper collectors for the revenues, and the general constitution of offices for the executive administration, were in like manner totally defeated by the said Hyder Beg Khan. And the said Hastings did receive a charge from him, and did adopt it as his own, representing the endeavours of the Resident, to act in the regulations aforesaid, agreeably to the spirit of his instructions, and in confidence of the powers vested in, and the responsibility imposed upon him, the said Resident, as usurpations of the authority and prerogative of the Nabob; and he, the said Hastings, did make criminal charges thereon against the said Resident Bristow, of which charges the Council Board did, on hearing the same, and the defence of the said Bristow, fully acquit him.

LXIV.

THAT the said Hastings, by abetting Hyder Beg Khan, a person described by him as aforesaid, in his opposition to all the plans of necessary reformation proposed by the said Hastings himself, and by having suggested no other whatever in lieu thereof, to answer the purposes for which he had stipulated (in the treaty of Chunar) the interference of the British Resident in every branch of the Nabob's government, did thereby frustrate every one of the good ends proposed by himself in the said treaty of Chunar, and did grossly abuse his trust, in giving the exorbitant powers before recited, and asserting them to exist in the British Resident, without suffering them, even in appearance, to answer any of the proper and justifiable ends for which any power or influence can or ought to exist in any government.

LXV. THAT

LXV.

THAT there is just ground to violently presume, that not only the letters in the name of the Nabob aforesaid, were dictated to him by his Minister, Hyder Beg Khan, in whose hands the said Hastings has described his master to be "a mere cypher," &c. which Hyder Beg was the known instrument of the said Hastings; but that the conduct and letters of complaint of the said Hyder Beg were, in effect and substance, prescribed and dictated to him by the said Warren Hastings, or his secret agent, Palmer, by his direction; because it is notorious, that the powers of the said Hyder Beg were solely supported by him, the said Hastings, who, according to the state of favour or displeasure in which he stood, hath frequently promised him support, or threatened him with dismissal and punishment; and therefore it is not to be thought that he would take so material a step as to oppose the Company's Resident, acting under the instructions of the Governor General and Council, and to accuse him with so much confidence, and in a manner so different from the usual style of supplication on all other occasions employed by that court, if he had not been previously well assured that his writing in that manner would be pleasing to the person upon whom he solely depended for his power, his fortune, and perhaps, for his life. Secondly, because, when it suited the purposes of the said Hastings on a former occasion, that is, in the year 1784, to remove the Resident Bristow aforesaid from his office, a letter from the Nabob was laid before the Council Board at Calcutta, proposing, that in order to prevent the effects of the said Bristow's application to Europe for redress, that the said Hastings should send him draughts of letters, which he the said Nabob would write in his own name and character, to the King, to His Majesty's Ministers, and to the Court of Directors, expressing himself, in the letter aforesaid, in the words following, viz. "To prevent his [Bristow's] applying to Europe, send me, if you think proper, the draughts of letters which I may write to the King, the Vizier, and the Chiefs of the Company."

"ny."

“ny.” Thirdly, that though the said Hastings, and his secret agent Palmer, did pretend, and positively assert, that they had no share in the letters aforesaid from the Nabob and his Minister, there was an original note to the Nabob’s letters of accusation, referring to distinct parts and specified numbers of the agent Palmer’s secret correspondence with the said Warren Hastings; and the said letter, with the said reference, was, through inadvertence, laid before the Board.

LXVI.

THAT the said Warren Hastings, having thrown the Government of Oude into great confusion and distress, and thereby prevented the discharge of the debt, or pretended debt, to the Company, did, by all the said intrigues, machinations, and charges, aim at the filling the said office of Resident at Oude with his own dependants, or by himself personally; as it appears, that he did first propose to place in the said office his secret agent Palmer; and that afterwards, when he was not able to succeed in that design, he did propose nominally, to abolish the said office, but in effect to fill it by himself; proposing to the Council, and rendering himself responsible (but not in fortune) for the payment of the Company’s debt within a certain given time, if he were permitted and commissioned by the Council to act for the Board in that province; and did inform them, that he was *privately* well assured, that in a few days he should receive an invitation to that effect; and he did affirm, (as in the year 1781 he had affirmed, as a reason for his former delegation) “That the state of the
 “country was so disordered in its revenue and administration, and the credit and influence of the Nabob
 “himself so much shook by the *late usurpation* of his
 “authority, and the contests which attended it, as to
 “require the accession of an extraneous aid to restore
 “the powers, and to re-animate the constitution of his
 “government;” although he, the said Hastings, did for a long time before attribute the weakness of his
 government

government to an extraneous interference. And the said Council, on his engagement aforesaid, did consent thereto; and he did accordingly receive a commission, enabling him to act in the affairs of Oude, not only as the Resident might have done, but as largely as the Council General might legally delegate their own powers.

LXVII.

THAT the said Warren Hastings, in accepting the said commission, did subject his character, and the reputation of his office, to great imputations and suspicions, by taking upon himself an inferior office, out of which another had, upon his intrigues, been removed, by a perpetual obstruction, which rendered it impossible for him to perform his duty, or to obey his instructions; and he did increase the said grounded suspicions, by exercising that office in a government from whence it was notorious he had himself received an unlawful gift and present from the Ministers, and in which he had notoriously suffered many, and had himself actually directed some, acts of peculation, by granting various pensions and emoluments, to the prejudice of the revenue of a distressed country, which he was not authorized to grant.

LXVIII.

THAT the said Warren Hastings did proceed upon the said province of Oude, under colour of providing a remedy for the disorders described to be existing in the same, and for the recovery of the Company's pretended debt. And the said Warren Hastings, who had thought fit to recall the Company's Resident, appointed to that office by the Court of Directors, and to suspend his office, did, notwithstanding, of his own choice and selection, and on his own mere authority, take with him in his progress a large retinue, "and a numerous society of English gentlemen, to compose his family," which he represents as necessary; although, in a letter from that very place to which he took that very numerous society, he informs the Court of Directors, "that
" his

" his own consequence, and that of the nation he re-
 " presents, are independent of shew;" and after his
 arrival there, he, the said Warren Hastings, did write
 from Lucknow, the capital of that province, a letter,
 dated the 30th of April 1784, to the Court of Direc-
 tors, in which are several particulars to the following
 purport or tenor, and which he points out to the Direc-
 tors " to be circumstances of no trivial information;"
 namely, " that he had found that the lands in that pro-
 " vince, as well as in some parts more immediately un-
 " der the Company, have suffered in a grievous man-
 " ner, being completely exhausted of their natural
 " moisture by the total failure of one entire season of
 " the periodical rains," with a few exceptions, which
 were produced only " by the uncommon labour of the
 " husbandman." And in a letter to Edward Wheler,
 Esq., a member of the Council General, from Benares,
 the 20th of September 1784, he says, that " the *public*
 " *revenues* had declined with the failure of the cultiva-
 " tion in *three successive years*; and all the stores of
 " grain, which the *providence* of the husbandman (as
 " he was informed is their *custom*) in defiance of the
 " *vigilance* of the aumils [collectors] *clandestinely re-*
 " *served for their own use*, were of course exhausted;
 " in which state no person would accept of the charge
 " of the collections on a positive engagement, nor did
 " the rain fall till the 10th of July." And in another
 letter, dated from Benares, the 1st of October follow-
 ing, he repeats the same accounts; and that the " coun-
 " try could not bear farther additions of expence;
 " that it had *no inlets of trade* to supply the issues that
 " were made from it; [the exceptions stated there be-
 " ing inconsiderable] therefore *every rupee* which is
 " drawn into your treasury [the Company's] from its
 " circulation, will accelerate the period at which its
 " ability must cease *to pay even the stipulated subsidy*."
 Notwithstanding this state of the country, of which he
 was well apprized before he left Calcutta, and notwith-
 standing that the poverty and distress of the Prince had
 been frequently, but in vain, represented to him, in or-
 der to induce him to forbear his oppressive exactions, he
 did,

did, in order to furnish the Council with a colour for permitting him to recall the Company's Resident, and to exercise the whole powers of the Company in his own person, without any check whatsoever, or witness of his proceedings, except the persons of his own private choice, did make the express and positive engagement aforesaid, which, if understood, of a real and substantial discharge of debt for the relief of the total of the Company's finances, was grossly fallacious; because, at the very time, he must have been perfectly sensible, that in the then state of the revenues and country of Oude, (which are, in effect, the Company's revenues, and the Company's country) the debt, or pretended debt aforesaid, asserted to be about five hundred thousand pounds, or thereabouts, could not be paid without contracting another debt, at an usurious interest; without encroaching on the necessary establishments; or on private property; or on the pay of the army; or without grievous oppression of the country; or all these together. And it doth appear that one hundred thousand pounds, towards the said payments of debts, was borrowed at Calcutta, by the Nabob's agent there, but at what interest is not known. It appears also, that other sums were borrowed for arrear of the interest on which 40,000*l.* sterling appears in the Company's claims for the current year, and that various deductions were made from the jaghires restored to the Begums, as well as other parts of the Nabob's family; and it did and doth appear, that an arrear is still due to the old and new brigade, but whether the same be growing or not, doth not appear; yet he hath not hesitated to assert, that he had "provided for the complete discharge in one year of a debt contracted by the accumulation of many, and from a country whose resources have been wasted and dissipated by three successive years of drought, and one of anarchy." But the said Hastings never did even realize the payments to be made in the first year (as he confesses in the said letter) except by an anticipation of the second: and though he states, in his letter aforesaid, the following facts and engagements, that is to say, "that a re-

“ *covery of so large a part of your property* [the Company’s] will afford a seasonable and substantial relief to the necessities of your Government, and enable it (for such is my confident hope) *to begin on the reduction of your debt at interest* before the conclusion of this year, (I mean the year of this computation.)”

Whereas the said Warren Hastings did apply the whole produce of the revenue to the mere pay of some part of the British army in Oude; and did not mention in his correspondence that he had remitted any money whatsoever to Calcutta, nor to any other place (except fifty thousand pounds taken from Almas Ali Khan, and said to be remitted to Surat) for the said “substantial relief,” in consequence of the said pretended “covery of property,” admitting that it had been suggested to him, and not by him denied, that he had disappointed the popular expectation, by not adopting the policy which he had, *on the conception of better grounds*, rejected; nor did he begin the reduction “of the interest debt” at the time stated, nor at any time; but the whole (he well knowing the state of the country from whence the resources aforesaid were by him promised) was a premeditated deceit and imposition on the Board of Council his colleagues, and on the Court of Directors his masters.

LXIX.

THAT no traces of regulation appear to have been adopted by the said Warren Hastings, during his residence at Lucknow, in conformity to the spirit and intentions of the treaty of Chunar, or of his instructions to Middleton and Bristow, or of the proposed objects of his own commission. But he did, in lieu thereof, pretend to free the Nabob’s Government from the interference of the Company’s servants, and the usurpation (as he called it) of a Resident, and thereby to restore it to its proper tone and energy; whereas the measures he took, were such, as to leave no useful or responsible superintendence in the British, and no freedom in the Nabob’s Government: for he did confirm

confirm the sole, unparticipated, and entire administration, with all the powers annexed to the Government, on the Minister, Hyder Beg Khan, to whom he *prevailed* on the Nabob Vizier, to commit the entire charge of his revenues, although he knew that his master was a cypher in his hands; that he “had affixed his seal to letters written without his knowledge, and such as evidently tended to promote Hyder Beg Khan’s influence and interest;” that his said master did not consider him as a minister of his choice, but as an instrument of his degradation; that “he exists as a minister by his dependance on the Calcutta Government, and that the Nabob himself had no other opinion of him; that it is by its *declared* and most *obvious* support *alone* that he could maintain his authority and influence.” And in his instructions to his secret agent, Major Palmer, dated 6th of May 1782, to ease the Nabob’s mind, and remove his jealousy with regard to British interference, he did instruct him “that much delicacy and caution will be required in your declarations on this subject, lest they should be construed to extend to an immediate change in the administration of his affairs, *or the instruments of it.* Their persons must be considered as *sacred, while* they act with the *participation of our influence.* This distinction the Nabob *understands*, nor will it be either necessary or proper to allude to it, unless he himself should first introduce the subject.” And the said Hastings did assume, as to a dependant of the lowest order, to prescribe to the said Minister the conditions on which he is to hold his place; to threaten him with scrutinies into his conduct, with dismissal, and with punishment; to assert that he was guilty of falsehood and duplicity, and that he had made his master assert what was true to be false; that he suspected he had withheld from his master what he ought to have paid to him; that the event of his having *prevailed* on the Nabob to entrust him as aforesaid, was, according to his, the said Hastings’s, own letter written to the said Hyder Beg Khan himself, “an accumulation of distress, debasement, and dissatisfaction to the Nobob, and of disappointment and disgrace to

Q q 2

“ me.

“ me. Every measure which he had himself proposed,
 “ and to which he had solicited my assistance, has been
 “ so conducted, as to give him cause of displeasure;
 “ there are *no offices* established by which his affairs
 “ could be regularly conducted; *mean, incapable, and*
 “ *indigent men have been appointed Amils of the*
 “ *districts without authority, and without the means of*
 “ *personal protection*; some of them have been murdered by the zemindars, and those zemindars, instead,
 “ of punishment, have been permitted to retain their
 “ zemindari with independent authority; all the other
 “ zemindars suffered to rise up in rebellion, and to insult
 “ the authority of the Sircar, without any attempt
 “ made to suppress them; and the Company’s debt,
 “ instead of being discharged by the assignments and
 “ extraordinary sources of money provided for that
 “ purpose, is likely to exceed even the amount at
 “ which it stood at the time in which the arrangement
 “ with his Excellency was concluded. *The*
 “ *growth of these evils was early made known to me,*
 “ *and their effects foreboded in the same order and manner*
 “ *as they have since come to pass.* In such a state of calamity
 “ and disgrace, I can no longer remain a passive
 “ spectator; nor would it be becoming to conceal my
 “ sentiments, or qualify the expression of them. I
 “ now *plainly tell you, that you are answerable for every*
 “ *misfortune and defect of the Nabob Vizier’s government.*”
 — And after giving orders, and expressing some hopes
 of better behaviour, he adds, “ If I am disappointed,
 “ you will impose on me the painful and humiliating
 “ necessity of acknowledging to him, that I have been
 “ deceived, and of recommending the examination of
 “ your conduct to his justice, both for the redress of
 “ his own and the Company’s grievances, and for the
 “ injury sustained by both in their mutual connection.
 “ *Do not reply to me, that what I have written is from the*
 “ *suggestion of your enemies; nor imagine, that I have*
 “ *induced myself to write in such plain and declaratory*
 “ *terms, without a clear insight into all the consequences*
 “ *of it, and a fixed determination upon*
 “ *them.*”

LXX. THAT

LXX.

THAT the aforesaid being the tenure of the power of the said Minister, and such his character, as given by the said Warren Hastings himself, who did originally compel the Nabob to receive him, who did constantly support him against the Nabob his master, as well as against the Company's Resident;—the delivering over to such a person his master, his family, his country, and the care of the British interests therein, without control or public inspection, was an high crime and misdemeanor.

LXXI.

THAT the next person whom the said Hastings did invest with power in the said country, was a certain opulent and powerful native, Manager of Revenue, called Almas Ali Khan, closely connected with the said Hyder Beg Khan; and to whom the said Hyder Beg Khan, as the said Hastings has admitted, "had entrusted the *greatest* part of his revenues, without any pledge or security for his fidelity." And afterwards the said Hastings charges the said Almas Ali with an intention of removing from the Nabob's dominions; he states, "as taking with him," and therefore being possessed of "an immense treasure, the fruits of his embezzlements and oppressions, and an army raised for its protection.

LXXII.

THAT the said Warren Hastings was, or pretended to be, impressed with the evil character, dangerous designs, and immoderate power of the said Almas Ali; and, in consequence of the said impression, he did insert among his instructions to the Resident Bristow, an order of a dangerous and unwarrantable nature, the effect of which order was to urge the Nabob to put him to death, upon his the said Warren Hastings's simple allegation of offences, not by him accurately described or specified, with regard either to the fact, the nature of the offence, or the proof; with many qualifications in the said instructions, full of fraud and duplicity, calculated to ensnare the said Resident Bristow, and to
throw

throw upon him the responsibility of the conduct of the said Almas Ali Khân, if he should continue at large, contrary to his orders, or to subject him, the said Resident, to the shame and scandal of apprehending and putting him to death, by means which, in the circumstances, must necessarily be such as would be construed into treachery; he the said Almas Ali Khân being from nature and situation suspicious and watchful; being at that very time in the collection, or farmer of the most important part of the revenues, with an extensive jurisdiction annexed; and at the head of fourteen thousand of his own troops; and having been recently accepted by the Resident Middleton as security for large sums of money advanced by the bankers of Benares to the use of the East-India Company; which orders (if the said Resident would or could have executed them) must have raised an universal alarm among all the considerable men of the country concerned in the government, and would have been a means of subverting the public credit of the Company, by the murder of a person engaged for very great sums of money that had been advanced for their use.—And the said instruction is as followth:

“ If any engagement shall actually subsist between
 “ them at the time you have charge of the Residency,
 “ it must, however exceptionable, be faithfully ob-
 “ served; but if he has been guilty of *any* criminal
 “ offence to the Nabob, his master, for which no im-
 “ munity is provided *in the engagement*; or he shall
 “ break any *one* of the conditions of it; I do *most*
 “ *strictly* enjoin you, and it must be your special
 “ care to endeavour, *either by force or surprise*, to se-
 “ cure his person, and bring him to justice: by
 “ bringing him to justice, I mean that you urge the
 “ Nabob, on due conviction, *to punish him with death*,
 “ as a necessary example to deter others from the com-
 “ mission of the *like* crimes; *nor must you desist till*
 “ *this is effected*.—I cannot prescribe the means;
 “ but to guard myself against the obloquy to which
 “ I may

“ I may be exposed by a forced misconstruction of
 “ this order, by those who may hereafter be employed
 “ in searching our records for cavils and informations
 “ against me, I think it proper to forbid, and protest
 “ against the use of any *fraudulent, artifice of treachery*
 “ *to accomplish the end which I have prescribed*; and as
 “ you alone are privy to the order, you will of course
 “ observe the greatest secrecy that it may not tran-
 “ spire: but I repeat my recommendation of it, as
 “ *one of the first and most essential duties of your*
 “ *office.*”

LXXIII.

THAT among the reasons assigned for putting to death the said Almas Ali, which the said Hastings did recommend directly and repeatedly to the Resident, “ as one of the first and most essential duties of his “ office,” was in substance, “ that by his extensive “ trust with regard to the revenues, he had been per- “ mitted to acquire independency; that the means “ thereof had been long seen, and the effects thereof “ foretold by every person acquainted with the state “ of Government, except those immediately interested “ in it:” and he the said Warren Hastings did also charge the said Almas Ali with embezzlement of the revenues, and oppression of the people, and nothing appears to disprove the same, but much to give ground to a presumption, that the said Almas Ali did grievously abuse the power committed to him, as farmer and collector of the revenue, to the great oppression of the inhabitants of the countries which had been rented to him by Hyder Beg Khan, with the knowledge and consent of the said Warren Hastings.

LXXIV.

THAT the Resident Bristow, declining the violent attempt on the life of Almas Ali, deceitfully ordered by the said Warren Hastings, did, on weighty reasons, drawn from the spirit of the said Hastings’s own instructions, recommended that his, the said Almas Ali Khan’s, farms of revenue, or a great part of them, should

should be, on the expiration of his lease, taken out of his hands, as being too extensive, and supplying the means of a dangerous power in the country: yet he the said Warren Hastings did not only continue him in the possession of the said revenues, but did give to him a new lease thereof, for the term of five years. And on this renovation and increase of trust the said Warren Hastings did not confront or produce the informer, upon whose credit he had made his charge of capital crimes on the said Almas Ali, and had directed him to be put to death, or call upon him to make good his charges; but instead of this, totally changing his relation to the said Almas Ali; and he did himself labour to procure from all parts, attestations to prove him not guilty of the perfidy and disloyalty of which he the said Hastings himself appears to have been to that very time his sole accuser, as he hath since been his most anxious advocate; but though he did use many endeavours to acquit Almas Ali of his intended flight, yet concerning his embezzlement and oppressions, the most important of all charges relative to that of the revenue and collection, he the said Hastings hath made no inquiry whatever, by which it might appear that he was not as fully guilty thereof as he had always represented him to be. But some time after he, the said Warren Hastings, had arrived at Lucknow, in the year 1784, he suggested to the said Almas Ali Khan the *advance* to the Company's use of a sum of money, amounting to fifty thousand pounds, or thereabouts; and the said suggested advance was (as the said Warren Hastings asserts, no witness or document of the transaction appearing) "cheerfully, and without hesitation, complied with, considering it as an *evidence seasonably* offered for the general refutation of the charges of perfidy and disloyalty;" —which practice of charging wealthy persons with treason and disloyalty, and afterwards acquitting them, on the payment of a sum of money, is highly scandalous to the honour, justice, and government of Great Britain; and the offence is highly aggravated by the said Hastings's declaration to the Court of Directors, that

that "the charges against Almas Ali Khan have been
 "too laboriously urged against him; and carried at
 "one time to such an excess, which had nearly driven
 "him to abandon his country, *for the preservation of*
 "*his life and honour*;" and thus to give a "colour to
 "the charges themselves," when he, the said Warren
 Hastings, did well know, that he himself did consider
 as a crime, and did make it an article in a formal accu-
 sation against the Resident Middleton, that he did not
 inform him, the said Hastings, of the supposed trea-
 sons of Almas Ali Khan, and of his design to abandon
 the country; when he himself did most laboriously
 urge the charges against him; and when no attempt
 appears to have been made against the life of the said
 Almas Ali Khan, except by the said Warren Hastings
 himself.

LXXV.

THAT the sum of fifty thousand pounds sterling, or
 thereabouts, publicly taken by the said Warren Haf-
 stings, as an *advance* for the use of the Company, if given
 as a consideration or fine, on account of the renewal for
 a long term of civil authority and military command,
 and the collection of the revenues to an immense
 amount, the same being at least eight hundred thou-
 sand pounds sterling yearly, was so totally inadequate
 to the interest granted, that it may justly be presumed,
 it was not on that, or on any public ground or condi-
 tion, that the said Hastings did delegate, out of all
 reach of resumption or correction, a lease of boundless
 power and enormous profit, for so long a term, to a
 known oppressor of the country.

LXXVI.

THAT Warren Hastings being at Lucknow in con-
 sequence of his deputation aforesaid, did, in his letter
 from that city, dated 30th of April 1784, recommend
 to the Court of Directors, "as his *last and ultimate*
 "*hope*, that their wisdom would put a *final* period to
 "the *ruinous and disreputable system* of interference,

R r

"whether

“ whether *avowed or secret*, in the affairs of the Nabob
 “ of Oude; and withdraw *for ever the influence* by
 “ which it is maintained;” and did declare to the said
 Court, that they ought to confine their views to the sole
 maintenance of the old brigade stationed in Oude, by
 virtue of the first treaty with the reigning Nabob; ex-
 pressing himself in the following words to the Court
 of Directors: “ If you transgress that line, you may
 “ extend the *distribution of patronage*, and add to the *for-*
 “ *tunes of individuals*, and to the nominal riches of
 “ Great Britain; but your *own* interests will suffer by
 “ it; and the *ruin of a great and once-flourishing nation*
 “ *will be recorded as the work of your administration*,
 “ *with an everlasting reproach to the British name*. To
 “ this reasoning I shall join the *obligations of justice and*
 “ *good faith*, which cut off every pretext for your *exerci-*
 “ *sing any power or authority in this country*, as long as
 “ *the Sovereign of it fulfils the engagements he has arti-*
 “ *cled with you*.”

LXXVII.

THAT it appears, by the extraordinary recommen-
 dation aforesaid, asserted by him, the said Hastings, to
 be enforced by the “ *obligations of justice and good*
 “ *faith*,” that the said Warren Hastings, at the time
 of writing the said letter, had made an agreement to
 withdraw the British interference, represented by him
 “ as a ruinous and disreputable system,” out of the
 dominions of the Nabob of Oude. But the instru-
 ment itself, in which the said agreement is made, (if at
 all existing) does not appear; nor hath the said Haf-
 tings transmitted any documents relative to the said
 treaty, which is a neglect highly criminal; especially
 as he has informed the Company, in his letter from
 Benares, “ that he has promised the Nabob that he
 “ will not abandon him to the *chance* of any other
 “ mode of relation; and *most confidently* given him as-
 “ surance of *the ratification and confirmation* of that
 “ which he [the said Hastings] had established between
 “ his government and the Company:” the said *confi-*
 “ *dent assurance* being given to an agreement never
 pro-

produced, and made without any sort of authority from the Court of Directors; an agreement precluding, on the one hand, the operation of the discretion of his masters in the conduct of their affairs; or, on the other, subjecting them to the hazard of an imputation on their faith, by breaking an engagement confidently made in their name, though without their consent, by the first officer of their government.

LXXVIII.

THAT the said Hastings, farther to preclude the operation of such discretionary conduct in the administration of this kingdom, as circumstances might call for, has informed the Directors, that he has gone so far as even to condition the existence of the revenue itself, with the exclusion of the Company, his masters, from all interference whatsoever; for in his letter to Mr. Wheler, dated Benares, 20th September 1784, are the following words: "The Aumils [Collectors] demanded that a clause should be inserted in their engagements, that they were to be in full force for the complete term of their leases, *provided that no foreign authority was exercised over them; or, in other words, that their engagements were to cease whenever they should be interrupted in their functions by the interference of an English agent.* This requisition was officially notified to me by the acting minister; and referred to me in form by the Nabob Vizier, for my *previous* consent to it: I encouraged it, and I gave my consent to it." And the said Hastings has been guilty of the high presumption to inform his said Masters, that he has taken that course to compel them not to violate the assurances given by him in their name: — "There is one condition [namely, the above condition] which *essentially connects the confirmation of the settlement itself with the interests of the Company.*"

LXXIX.

THAT the said Warren Hastings, who shewed on this occasion an indecent distrust of the Company's faith;

did endeavour at other times, namely, in his instructions to the Secret Agent, Major Palmer, dated the 6th of May 1782, Art. 5, to limit the confidence to be reposed in the British Government to the duration of his own power, in the following words: "It is very much
 " my desire to impress the Nabob with a *thorough* confidence in the faith and justice of our Government;
 " that is to say, *in my own*, while I am at the head of
 " it: I cannot be answerable for the acts of others independent of me."

LXXX.

THAT the said Warren Hastings did, in his letter, dated Benares, the 1st of October 1784, to the Court of Directors, write, "that if they [the Directors] manifested no *symptoms* of an *intended* interference, the
 " objects of his engagements will be obtained; but if
 " a different policy shall be adopted; if new agents
 " are sent into the country, and armed with authority
 " for the purposes of vengeance or corruption, (*for to*
 " *no other will they be applied*;) if new demands are
 " made on the Nabob Vizier, and accounts overcharged
 " on one side, with a wide latitude taken on the other,
 " to swell his debt beyond the means of payment; if
 " political dangers are portended, to ground on them
 " the plea of burdening his country with unnecessary
 " defences and enormous subsidies; of if, even abstaining from *direct encroachment on the Nabob's rights*,
 " your Government shall shew but a *degree of personal*
 " *kindness to the partizans* of the late usurpation, or by
 " any constructive indication of partiality and dissatisfaction, *furnish* grounds for the *expectation* of an *approaching* change of system;—I am sorry to say that
 " all my labours will prove abortive."

LXXXI.

THAT all the measures deprecated in future by the said Warren Hastings, with a reference to former conduct, in his several letters aforesaid, being (so far as the same are intelligible) six in number, have been all of
 them

them the proper acts and measures of the said Warren Hastings himself; for he did himself first of all introduce, and did afterwards continue and support, that interference (which he now informs the Court of Directors "is ruinous and disreputable, and which the "very *symptoms* of an *intention* to renew, he considers "in the highest degree dangerous); he did direct, with a controlling and absolute authority, in every department of government, and in every district in the dominions of the Nabob of Oude. — Secondly, The appointment of agents, which was eminently the act of his own administration; he not only retaining many agents in the country of Oude, both "*secret and* "*avowed*," but also sending some of them, in defiance to the orders of that very Court of Directors, to whom, in his said letter of the 1st of October, 1784, he assigns "*vengeance and corruption*" as the only motives that can produce such appointments. — Thirdly, That he, the said Warren Hastings, did instruct one of the said agents, and did charge him, upon pain of "*a* "*dreadful responsibility*," to perform sundry acts of violence against persons of the highest distinction, and nearest relation to the Prince; which acts were justly liable to the imputation of "*vengeance*" in the execution, and which he, in his reply to the defence of Middleton to one of his charges, did declare to be liable to the suspicion of "*corruption*" in the relaxation. — Fourthly, That he did raise new demands on the Vizier, "and overcharge accounts on one side, and take a wide "latitude on the other," by sending up a new, and, before, unheard-of overcharge of four hundred thousand pounds and upwards, not made by the Resident, or admitted by the Vizier; and by adding the same, did swell his debt "beyond the means of payment;" and did even insert, as the ninth article of his charge against Middleton, "his omitting to take any notice "of the additional balance of rupees 26,48,571, stated "by the Accountant General to be due from the Vizier on the 30th of April 1780;" to which he did add 14 lacks more, making together the above sum. — Fifthly, That he, the said Warren Hastings, did assign
"political

“ political dangers” in his minute of the 13th of December 1779, for burdening the said Nabob of Oude “ with unnecessary defences and enormous subsidies ;” with regard to which he then declared, that “ it was “ *our* part, not *his* (the Nabob’s) to judge and to determine.”—And sixthly, That he did not only shew the *design*, but the *fact* of personal kindness to the partizans of what he here calls, as well as in another letter, and in one minute of consultation, a “ late usurpation,” he having rewarded the principal and most obnoxious of the instruments of the said late usurpation (if such it was) Richard Johnson, Esquire, with an honourable and profitable embassy to the Court of the Nizam.

LXXXII.

THAT the said Warren Hastings, therefore, by assuming an authority which he himself did consider as an *usurpation*, and by acts, in virtue of that usurped authority, done in his own proper person, and by agents appointed by himself, and proceeding (though with some mitigation, for which one of them was by him censured and accused) under his own express and positive orders and instructions, and thereby establishing, as he himself observed, “ a system of interference, disreputable and “ ruinous, which could only be subservient to promote “ patronage, private interest, private embezzlement, “ corruption, and vengeance,” to the public detriment of the Company, “ and to the ruin of a once-flourishing “ nation, and eternally reproachful to the British name;” and for the evil effects of which system, “ as his sole “ and ultimate hope” and remedy, he recommends an entire abdication for ever, not only of all power and authority, but even of the interference and influence of Great Britain ;—is guilty of an high crime and misdemeanor.

LXXXIII.

THAT the said Warren Hastings, in his letter from Chunar of the 29th of November, 1781, has represented

sented that very influence and interference (which in three public papers he denominates "*a late usurpation*") as being authorized by a regular treaty and agreement, voluntarily made with the Nabob himself, at a place called Chunar, on the 19th of September 1781, a copy of which hath been transmitted to the Court of Directors; and that three persons were present at the execution of the same, two whereof were Middleton and Johnson, his agents and residents at Oude; the third, the Minister of the Nabob. And he did, in his paper written to the Council General, and transmitted to the Court of Directors, not only declare that the said interference was agreed to by the said Nabob, and sealed with his seal; but would be highly beneficial to him; assuring the said Council, "that if the Resident performed his duty, in the execution of his [the said Hastings's] instructions, the Nabob's part of the engagement will prove of still greater benefit to him than to our Government, in whose behalf it was exacted; and that the *participation* which is allowed our Resident in the *inspection* of the public treasure, will secure the receipt of the Company's demands, whilst *the influence which our Government will ALWAYS possess over the public minister of the Nabob, and the authority of our own*, will be an effectual means of securing an attentive and faithful discharge of their several trusts, both towards the Company and the Vizier,"

LXXXIV.

AND the said Warren Hastings did not only settle a plan, of which the agency and interference aforesaid was a part, and assert the beneficial consequences thereof, but did also record, that the same "was a great public measure, constituted on a large and *established system*, and destructive, in its instant effects, of the interest and fortune of many patronised individuals;" and in consequence of the said treaty, he the said Warren Hastings did authorize and positively require his agent aforesaid to interfere in, and control and regulate *all the Nabob's*

Nabob's affairs whatsoever; and the said Warren Hastings having made for the Company, and its name, an acquisition of power and authority, even if it had been abused by others, he ought to have remedied the abuse, and brought the guilty to condign punishment, instead of making another treaty, without their approbation, consent, or knowledge, and to this time not communicated to them; by which it appears he has annulled the former treaty, and the authority thereby acquired to the Company, as a grievance and usurpation; to which, from the general corruption of their service, no other remedy could be applied than a formal renunciation of their power and influence; for which said actings and doings the said Warren Hastings is guilty of an high crime and misdemeanor.

LXXXV.

THAT the Company's army in India is an object requiring the most vigilant and constant inspection, both to the happiness of the natives, the security of the British power, and to its own obedience and discipline, and does require that inspection, in proportion as it is removed from the principal seat of Government; and the number and discipline of the troops kept up by the native Princes, along with British troops, is also of great moment and importance to the same ends: that Warren Hastings, Esquire, pretending to pursue the same, did, in virtue of an authority acquired by the treaty of Chunar aforesaid, give strict orders, and to which he did demand *a most implicit obedience*, that *all* officers of the Nabob's army should be appointed "with the concurrence of the Resident;" and supposing the case, that persons of obnoxious description, or of known disaffection to the British Government (of which he left the Resident to be the Judge) might be appointed, he did direct the following words: "You are in such case to remonstrate against it; and if the Vizier should persist in his choice, you are peremptorily, *and in my name*, to oppose it as a *breach of his agreement*;" and he did also direct, that the "Mootiana [or soldiers employed for the

“ the collection of revenue] should be reformed, and
 “ reduced into one corps for the whole service ; and
 “ that *no* infantry should be left in the Nabob’s service,
 “ but what may be necessary for his body guard ;”—
 and he did farther order and direct as follows : “ That
 “ in quelling disturbances, the Commander of the
 “ forces should assist you [the said Resident] on the re-
 “ quisition of the Vizier, communicated through you
 “ to him [the said Commander] *or at your own single*
 “ *application*. It is directed, that the regiment ordered
 “ for the immediate protection of your office and per-
 “ son, at Lucknow, shall be relieved every three
 “ months, and during its stay there shall act solely and
 “ exclusively under your orders.” And it appears, in
 the course of the Company’s correspondence, that the
 country troops, under the Nabob’s sole direction, would
 be ill-disciplined and unserviceable, if not worse ; and
 therefore the said Warren Hastings did order, that “ no
 “ infantry should be kept in his service ;” yet it appears
 that the said Warren Hastings did make an arrangement
 for a body of native troops, wholly out of the control
 or inspection of the British Government, and left a
 written order in the hands of Major Palmer (one of *his*
 agents, who had been continued there, though the Com-
 pany was not permitted to employ any) to be transmitted
 to Colonel Cumming, as soon as an adequate force shall
 be provided *for the defence of the Nabob’s frontier*, by de-
 tachments from the *Nabob’s own battalions*, the said Co-
 lonel Cumming’s forces, whom the others were to su-
 persede and replace, consisting wholly of infantry, and
 which, being intended for the same service, were prob-
 ably of the same constitution.

LXXXVI.

THAT the old brigade of British troops, which by
 treaty was to remain, had been directed, by the instruc-
 tions of the said Hastings to the Resident Middleton,
 and to the Resident Bristow, “ not to be employed at
 “ the requisition of the Vizier, any otherwise than
 “ through the Resident ;” and the said direction was
 S 3 properly

properly given, it not being fit that British troops should be under the sole direction of foreign independent Princes, or of any other than the British Government; yet, notwithstanding the proper and necessary direction aforesaid, notwithstanding his powers under the treaty of Chunar, and his own repeated orders; and notwithstanding the mischiefs and dangers which the said Warren Hastings did foresee would result therefrom, if left under the sole direction of the Nabob, and their own discretion, he the said Warren Hastings hath left the said troops, by his new treaty, without any local control, or even inspection, having stipulated with the said Nabob not to exercise any authority, or even influence, *secret or avowed*, within his dominions.

LXXXVII.

THAT the crime of the said Warren Hastings, in attempting thus to abandon the British army to the sole discretion of the Nabob of Oude, is exceedingly aggravated by the description given by him severally of the said Nabob of Oude, and of the British army stationed for the defence of his dominions; in his letters to the Court of Directors, and in his minutes of consultation, and particularly in his letter of

immediately on the accession of the Nabob, he did inform the said Court, "that the Nabob
 " had not, by all accounts, the qualities of the head
 " or heart which fitted him for that office, though
 " there was no dispute concerning his right to succeed;" and some years afterwards, when his accounts must have been rendered more certain, he did, in his minute of consultation, of the 15th of December 1779, (regularly transmitted to the Court of Directors) upon a discussion for withdrawing certain troops, kept up in the Nabob's country without his consent by him the said Warren Hastings, strongly urge as follows:
 " The necessity of maintaining the influence and force
 " which we possess in the country; that the disorders
 " of his state [the Nabob of Oude's state] and dissipa-

" tion

" pation of his revenues, are the effects of his own con-
 " duct, which has failed, not so much from the usual
 " effects of *incapacity*, as from the *detestable choice* he
 " has made of the ministers of his power, and the parti-
 " cipation of his confidence. I forbear to expatiate far-
 " ther on his character: it is sufficient that I am under-
 " stood by the members of this Board, who must know
 " the truth of my allusions. Mr. Francis [a member
 " of the Board] surely was not aware of the injury
 " he did me [Warren Hastings] by attributing to the
 " spirit of party the character I gave Asuph ul Dowlah
 " [the Nabob of Oude] he himself knows it to be
 " true; and it is one of those notorieties which supersede
 " the necessity of any evidence. I was forced to the allu-
 " sion I made, by the imputation cast on this Government,
 " as having caused the evils which prevail in the Govern-
 " ment of the Nabob of Oude, which I could only answer
 " by ascribing them to their true cause, the character and
 " conduct of the Nabob of Oude." And the resident
 (appointed by the said Hastings, against the orders
 of the Court of Directors, as his particular confiden-
 tial representative, one whom the said Nabob did him-
 self request might be continued with him, by an en-
 gagement in writing for ever), did some time before, that
 is, on the 3d of January 1779, assure the said Hastings
 and the Council General, " that such is his Excellency's
 " [the Nabob of Oude's] disposition, and so entirely has
 " he lost the confidence and affections of his subjects, that
 " unless some restraint is imposed on him, which would
 " effectually secure those who live under the protection
 " of his government from violence and oppression, I am
 " but too well convinced, that no man of reputation
 " or property will long continue in these provinces."
 And that the said Resident proceeds to an instance of
 oppression and rapine, " out of many of the Nabob's,
 " which has caused a total disaffection and want of con-
 " fidence among his subjects: he hoped the Board
 " would take it into their humane consideration, and
 " interpose their influence, and prevent an act which
 " would inevitably bring disgrace upon himself, and
 " a proportionable degree of discredit on the na-

“ tional character of the English, which *I consider to*
 “ *be more or less concerned in every act of his administra-*
 “ *tion.*”

LXXXVIII.

THAT no exception was ever taken by the said Warren Hastings to the truth of the facts, or to the justness of the observation of the said Resident, which he did transmit to the Court of Directors. And the said Warren Hastings, in his letter from Chunar, dated the 29th of November 1781, speaking of the restraints which had been put by him, the said Hastings, on the Nabob, relative to his own Mootiana, or forces for collection and police, and the necessity of giving the Resident a control in the nomination of the officers of his army, has asserted “ that the necessity of the reservation
 “ arose from a too-well known defect in the Na-
 “ bob’s character; if this *check* be withdrawn, and the
 “ choice left absolutely to the Nabob, the *first* com-
 “ mands in his army will be filled with the *most worth-*
 “ *less and abandoned of his subjects*; — *his late Com-*
 “ *mander in Chief is a signal and scandalous instance*
 “ *of this.*”

LXXXIX.

AND the said Warren Hastings, in his letter to the Court of Directors, dated Benares, the 15th of October 1784, even after he had made the aforesaid renunciation to the Nabob of the Company’s authority and influence, did write, “ that the Nabob, though most
 “ gentle in his manners, and endued with an under-
 “ standing much above the common level, has been
 “ *unfortunately bred up in habits* that draw his attention
 “ too much from his own affairs, and often subject him
 “ to the guidance of *insidious and unworthy confidants* ;”
 which character of the Nabob, though more decently expressed than in his former minutes, substantially agrees with them. And the said Warren Hastings did inform the Court of Directors, after he had solemnly
 cove-

covenanted to withdraw all the *Company's influence* on the assurances and promises of a person so by himself described, that, for reasons grounded on his knowledge of the imbecility of the character of the Nabob, he waited in a frontier town, "that he might be at hand to counteract any attempt to defeat the effect of his proceedings at Lucknow;" and in his letter to Mr. Wheler from the same place, he did write in the following words: "I am still near enough to attend to the first effects of the execution, and to interfere with *MY influence* for the removal of any obstructions to which they are or may be liable." He therefore found that there was none, or but an insufficient security to the effect of his treaty, but in his own direct personal violation of it. What otherwise was wanting in the security for the Nabob's engagements, was to be supplied as follows: "The most respectable persons of his family will be employed to counteract every other which may tend to warp him from it; and I am sorry to say *that such assistance was wanting.*" And in another letter, "that he had equal ground to expect every degree of support which could be given it by the *first characters of his family*, who are warmly and zealously interested in it." The principal male character of the family, and of the most influence in that family, being *Salar Jung*, uncle to the Nabob; and the first female characters of the family, being the mother and grandmother of the reigning sovereign; all of whom, male and female, he, the said Warren Hastings, in sundry letters of his own, in the transmission of various official documents, and even in affidavits studiously collected, and sworn before Sir Elijah Impey during his short residence at Lucknow and Benares, did himself represent as persons entirely disaffected to the English power in India, as having been principal promoters, if not original contrivers, of a general rebellion and revolt *for the utter extirpation of the English nation*; and, as such, he, the said Warren Hastings, did compel the Nabob reluctantly to take from them their landed estates; and yet the said Warren Hastings has had the presumption to attempt to impose on the East-India Company, by pretending

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to place his reliance on those three persons for a settlement favourable to the Company's interests, on his renunciation of all their *own* power, authority, and influence, and on his leaving their army to the sole and uncontrolled discretion of a stranger, meriting, in his opinion, the description given by him as aforesaid, as well as by him frequently asserted to be politically incapable of supporting his own power, without the aid of the forces of the Company. And the offence of the said Warren Hastings, in abandoning a considerable part of the British army in the manner aforesaid, is much increased by the description which he has himself given of the state of the said army, and particularly of that part thereof which is stationed in the Nabob of Oude's dominions. For he did himself, on the 29th of November 1781, transmit the information following on that subject to the Court of Directors, namely, "that the remote stations of those troops, placing the commanding officers beyond the notice and control of the Board [the Council General] at Calcutta, afforded too much of opportunity and temptation for *unwarrantable emoluments, and excited the contagion of speculation and rapacity throughout the whole army; a most remarkable instance, and uncontrovertible proof of the prevalence of this spirit, has been seen in the Court Martial upon Captain Erskine, where the Court, composed of officers of rank and respectable characters, unanimously and honourably, (most honourably) upon an acknowledged fact, acquitted him, which, in times of stricter discipline would have been deemed a crime deserving the severest punishment.*" From which representation (if the said Warren Hastings did not falsely and unjustly accuse and slander the Company's service) it appeared, that the speculation which infected the whole army, derived from the taint which it had in Oude, and so fatal to the discipline of the troops, would be dangerously increased by his treaty and agreement aforesaid with the Nabob, and by his own said evil counsel to the Court of Directors.

XC. THAT

XC.

THAT it appears, after the said Warren Hastings had, on grounds so disgraceful to the British nation and Government) agreed to remove for ever the British influence and interference from the Government of Oude, on account of disorders in the said Government solely produced by his own criminal acts and criminal connivances, that he did overturn his own settlement as soon as he had made it; and did, after he had abolished the Company's Residency as a grievance, wholly violate his own solemn agreement; for he did, for his private purposes, continue therein his own private agent, Major Palmer, with a number of officers and pensioners, at a charge to the revenues of the country greatly exceeding that of the establishment under Mr. Bristow, which he did represent as frightfully enormous, and which he pretended to remove; the former amounting to 112,950l., the latter only to 64,202l.

XCI.

THAT his own secret agent, Major Palmer, did receive a salary or allowance equal to 22,800l. a year out of the distressed province of Oude; and this the said Palmer declared not to be more than he absolutely did really and *bona fide* spend; and that he had retrenched considerably "in some of the articles, since the expence has been borne by the Vizier, and in every particular he made as little parade and appearance as his station would admit," his station being that of the said Warren Hastings's private agent. But if the said ample salary must be considered as merely equal to the expences, large secret emoluments must be presumed to attend it, in order to make it a place advantageous to the holder thereof. That the said Palmer did apply to the Board at Calcutta for a new authority to continue the said establishments, he conceiving their continuance, "after the period of the Governor General's departure, depended upon the pleasure of the Board, and not upon the authority of the Governor General, under the sanction of which they were established or confirmed."

XCII. THAT

XCII.

THAT the said Warren Hastings, in order to ruin the Resident Bristow, and to justify himself for his former proceedings respecting him, did bring before the Board a new charge against him, for having paid a large establishment of offices and pensions to the Company's servants from the revenues of Oude; and the said Bristow, in making his defence against the charge aforesaid, did plead, that he had found all the allowances on his list established before his last appointment to the Residency; that they had grown to that excess in the interval between his first removal by the said Warren Hastings and his re-appointment; and having adduced many reasons to make it highly improbable that the said Hastings was not perfectly well acquainted with it, and did approve of the expensive establishments which he, the said Bristow, simply had paid, but not imposed, he did alledge, besides the official assurances of his predecessor, Middleton, certain facts, as amounting to a direct proof that the Governor General, Warren Hastings, was not averse to the Vizier's granting large salaries to more than one European gentleman; and the first instance was to Mr. Thomas, a surgeon, who, exclusive of his pay from the Company, which was 1440l. a year, claimed from the Vizier, with Mr. Hastings's knowledge, the sum of 9763l. a year, and upwards, making together 11,203l. per annum. The next was Mr. Trevor Wheler, who did receive upon the same establishment, when he was fourth assistant at Oude, 6,000l. a year; and which last fact the said Hastings has admitted upon record, "that the accusations of Mr. Bristow and Mr. Cowper, did oblige" and *compel* him to acknowledge," denying at the same time that the allowance of the Residents Middleton and Bristow, except in this single instance, were ever authorised by him; whereas his own agent, Palmer, did, in his letter of the 27th of March 1785, represent, that the said salaries and allowances (if not more and larger) were by him authorised or confirmed.

XCIII. THAT

XCIII.

THAT the aforesaid Bristow did also produce the following letter, in proof that Mr. Hastings knew and approved of large salaries to British subjects upon the revenues of Oude; and which he did declare, that nothing but the necessity of self-defence could have induced him to produce.

“ Dear Bristow,

“ Sir Eyre Coote has some field allowances to receive from the Vizier; they amount to Sicca rupees 15,554 per month; and he has been paid up by the Vizier to the 20th of August 1782. The Governor has directed me to write to you, to request you to receive what is due from the Vizier from the 20th of August last, at the rate of Lucknow Sicca rupees 15,554 per month, and send me a bill for the amount, the receipt of which I will acknowledge in the capacity of Sir Eyre Coote’s attorney; and the Governor desires, that you will continue to receive Sir Eyre Coote’s field allowances at the same rate, and remit the money to me as it comes in.

“ Calcutta, January

(Signed)

25, 1783.

CHARLES CROFTES.”

XCIV.

THAT Sir Eyre Coote aforesaid was, at the time of the said field allowances, not serving in the country of Oude, on which the said allowances were charged, but in the Carnatic.

XCV.

THAT from the declaration of the said Hastings himself, that it was the accusations of Mr. Bristow and Mr. Cowper, that could alone “oblige and compel him to acknowledge” certain of his aforesaid practices, and that nothing “but the necessity of self defence” could have induced Mr. Bristow to make public another, and much stronger, instance of the same, it is to be violently presumed, that where either, or both, these necessities did not exist, many evil and oppressive practices of the said Hastings do remain undiscovered. That if it had not been for the contests between him, the said

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Hastings,

Hastings, and the Resident Bristow, not only the before-mentioned particulars, but the whole of the expensive civil establishments for English servants at Oude, would have been for ever concealed from the Directors, and from Parliament; and yet the said Hastings has had the audacity to pretend so complete an ignorance of the facts, that, representing the Vizier as objecting to the largeness of the payments made by Bristow, and stating a very reduced list, which he was willing to allow for, amounting to 30,000*l.* a year, the said Hastings did affect to be alarmed at the magnitude even of the list so curtailed, expressing himself as follows, in his minute of the 7th of December 1784—"For
 " my own part, when the Vizier's Minister first informed me, that the amount which his master had
 " authorised, and was willing to admit, for the charges
 " of the Residency, and the allowances of the gentlemen at Lucknow, was 25,000 rupees per month, I
 " own I was startled at the magnitude of the sum,
 " and was some days hesitating in my mind, whether
 " I could with propriety admit of it:" although he well knew, that the three sums alone, of which the necessities aforesaid had compelled the discovery, did greatly exceed that sum, by which, at the first hearing, he affects to be exceedingly alarmed, and thrown into a state of hesitation, which continued for some days; and although he, the said Hastings, was conscious that he had, at the very time, authorised an establishment to more than four times the amount thereof.

XCVI.

THAT in the said deceits, prevarications, contradictions, malicious accusations, fraudulent concealments, and compelled discoveries, and in the said secret, corrupt, and prodigal disposition of the revenues of Oude, as well as his breach of faith to the Nabob, in continuing expensive establishments, under a private agent of his own, after he had agreed to remove the Company's agent, the said Warren Hastings is guilty of an high offence and misdemeanor.

Mahomed Reza Khân.

I.

THAT it was the declared policy of the Company, on the acquisition of the Duannee of Bengal, to continue the country government, under the inspection of the Resident at the Nabob's Durbar in the first instance, and that of the President and Council in the last; and for that purpose they did stipulate to assign, for the support of the dignity of the Nabob, an annual allowance from the revenues, equal to four hundred pounds a year.

II.

That, during the country government, the principal active person in the administration of affairs, for rank, and for reputation of probity, and of knowledge in the revenues and the laws, was Mahomed Reza Khân, who, besides large landed property, was possessed of offices, whose emoluments amounted nearly, if not altogether, to one hundred thousand pounds a year.

III.

That the Company's servants, in the beginning, were not conversant in the affairs of the revenue, and stood in need of natives of integrity and experience to act in the management thereof. On that ground, as well as in regard to the rank which Mahomed Reza Khân held in the country, and the confidence of the people in him, they, the President and Council, did inform the Court of Directors, in their letter of the 30th of Sept. 1765, that "as Mahomed Reza Khân's short administration was irreproachable, they determined to continue him in a share of the authority;" and this information was not given lightly, but was founded

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upon

upon an enquiry into his conduct, and a minute examination of charges made against him by his rivals in the Nabob's Court; they having insinuated to the Nabob, that a design was formed for deposing him, and placing Mahomed Reza on his throne; but, on examination, the President and Council declare, that
 “ he had so openly and candidly accounted for every
 “ rupee disbursed from the Treasury, that they could
 “ not, without injury to his character, and injustice
 “ to his conduct, during his short administration, refuse continuing him in a share of the government.”

IV.

That the Company had reason to be satisfied with the arrangement made, so far as it regarded him; the President and Council having informed them in the following year, in their letter of the 9th of December 1766, that “ the large increase of the revenue must, in a great measure, be ascribed to Mr. Sykes's assiduity, and to Mahomed Reza Khân's profound knowledge in the finances.”

V.

That the then President and Council, finding it necessary to make several reforms in the administration, were principally aided in the same by the suggestion, advice, and assistance of the said Mahomed Reza Khân; and, in their letter to the Court of Directors of the 24th of June 1767, they state their resolution of reducing the emoluments of office, which before had arisen from a variety of presents, and other perquisites, to fixed allowances; and they state the merits of Mahomed Reza Khân therein, as well as the importance, dignity, and responsibility of his station, in the following manner:

“ Mahomed Reza Khân has now, of himself, with
 “ great delicacy of honour, represented to us the evil
 “ consequences that must ensue from the continuance
 “ of this practice; since, by suffering the principal
 “ officers of the government to depend for the support
 “ of

“ of their dignity on the precarious fund of perquisites;
 “ they in a manner oblige them to pursue oppressive
 “ and corrupt measures, equally injurious to the coun-
 “ try and the company; and they accordingly assigned
 “ twelve lack of rupees for the maintenance and sup-
 “ port of the said Mahomed Reza Khân, and two
 “ other principal persons, who held in their hands
 “ the most important employments of that govern-
 “ ment, having regard to their elevated stations, and
 “ to the expediency of supporting them in all the shew
 “ and parade requisite to keep up the authority and
 “ influence of their respective offices, as they are all
 “ men of weight and consideration in the country, who
 “ held places of great trust and profit under the for-
 “ mer government. We further propose, by this act
 “ of generosity, to engage their cordial services, and
 “ confirm them steady in our interests, since they can-
 “ not hope, from the most successful ambition, to rise
 “ to greater advantages by any chance or revolution of
 “ affairs. At the same time it was reasonable we
 “ should not lose sight of Mahomed Reza Khân’s past
 “ services; he has pursued the Company’s interest with
 “ steadiness and diligence; his abilities qualify him to
 “ perform the most important services. The un-
 “ avoidable charges of his particular situation are
 “ great; in dignity he stands second to the Nabob
 “ only;—and as he engages to increase the revenues,
 “ without injustice or oppression, to more than the
 “ amount of his salary, *and to relinquish those advantages,*
 “ *to the amount of eight lacks of rupees per annum,* which
 “ he heretofore enjoyed, we thought it proper, in the
 “ distribution of salaries, to consider Mahomed Reza
 “ Khân in a light superior to the other Ministers. We
 “ have only to observe farther, that great and enor-
 “ mous as the sum must appear, which we have al-
 “ lotted for the support of the Ministers of the govern-
 “ ment, we will not hesitate to pronounce that it is
 “ necessary and reasonable, and will appear so, on the
 “ consideration of the power which men employed
 “ on these important services have, either to ob-
 “ struct or promote the public good, unless their

“ integrity be confirmed by the ties of gratitude and
 “ interest.”

VI.

That the said Mahomed Reza Khân continued, with the same diligence, spirit, and fidelity, to execute the trust reposed in him, which comprehended a large proportion of the weight of government, and particularly of the collections; and his attachment to the interest of the Company, and his extensive knowledge, was again, in the course of the year 1767, fully acknowledged, and stated to the Court of Directors; and it farther appears, that by an incessant application to business, his health was considerably impaired, which gave occasion, in the year following, that is, in Feb. 1768, to a fresh acknowledgment of his services, in these terms: “ We must, in justice to Mahomed
 “ Reza Khân, express the high sense we entertain of
 “ his abilities, and of the indefatigable attention he
 “ has shewn in the execution of the important trust
 “ reposed in him; and we cannot but lament the prospect of losing his services, from the present declining state of his health.”

VII.

That as, in the increase of the revenue, the said Mahomed Reza Khân was employed as a person likely to improve the same without detriment to the people, so, when the state of any province seemed to require a remission, he was employed as a person disposed to the relief of the people without fraud to the revenue; and this was expressed by the President and Council as follows, with relation to the remissions granted in the province of Bahar: “ That the general knowledge of
 “ Mahomed Reza Khân, in all matters relative to the
 “ Duannee revenues, induced us to consent to such
 “ deductions being made, from the general state of
 “ that province at the last Poonah, as may be deemed
 “ irrecoverable, or such as may procure an immediate
 “ relief

“ relief and encouragement to the Ryots in the future
 “ cultivation of their lands.”

VIII.

That the said Mahomed Reza Khân, in the execution of the said great and important trusts and powers, was not so much as suspected of an ambitious or encroaching spirit, which might make him dangerous to the Company's, then recent, authority, or which might render his precedence injurious to the consideration due to his colleagues in office; but on the contrary, it appears that a plan having been adopted for dividing the administration, in order to remove the Nabob's jealousies, the same was in danger of being subverted by the ambition “ of two of his colleagues, and the *“ excessive moderation of Mahomed Reza Khân.”* And for a remedy of the inconveniencies, which might arise from the excess of an accommodating temper, though attended with irreproachable integrity, the President and Council did send one of their own members, as their deputy to the Nabob of Bengal, at his capital of Maxadavad; and this measure appears to have been adopted for the support of Mahomed Reza Khân, in consequence of an enquiry made, and advice given by Lord Clive, in his letter of the 3d of July 1765; in which letter, he expresses himself of the said Mahomed Reza Khân as follows: “ It is with pleasure I can
 “ acquaint you, that the *more I see of Mahomed Reza*
 “ *Khân, the stronger is my conviction of his honour and*
 “ *moderation*; but that, at the same time, I cannot help
 “ observing, that either from timidity, or an erroneous principle, he is too ready to submit to encroach-
 “ ments upon that proportion of power that has been
 “ allotted him.”

IX.

That the Nabob Jaffier Ali Khan dying in February 1765, Mahomed Reza Khân was appointed guardian to his children, and administrator of his office, or
 regent,

regent, which appointment the Court of Directors did approve. But the party opposite to Mahomed Reza Khân having continued to cabal against him, sundry accusations were framed, relative to oppression at the time of the famine, and for a balance due during his employment of collector of the revenues; upon which the Directors did order him to be deprived of his office, and a strict enquiry to be made into his conduct.

X.

That the said Warren Hastings, then lately appointed to the Presidency, did, on the 1st of April, and on the 24th of September, 1772, write letters to the Court of Directors, informing them, that on the very next day after he had received (as he asserts) their private orders, "addressed to himself alone," and not to the Board, he did dispatch, by express messengers, his orders to Mr. Middleton, the Resident at the Nabob's Court at Muxadavad, in a public character and trust with the Nabob, to arrest in his capital and at his Court, and without any previous notice given of any charge, his principal Minister, the aforesaid Mahomed Reza Khân, and to bring him down to Calcutta; and he did carefully conceal his said proceedings from the knowledge of the Board, on pretext of his not being acquainted with their dispositions, and the influence which he thought that the said Mahomed Reza Khân had amongst them.

XI.

That the said Warren Hastings, at the time he gave his orders as aforesaid, for arresting the said Mahomed Reza Khân, did not take any measures to compel the appearance of any other persons as witnesses, declaring it as his opinion, "that there would be little need of violence to obtain such intelligence, as they could give, against their former master, when his authority is taken from him;" but he did afterwards, in excuse for the long detention and imprisonment of the

the said Mahomed Reza Khan, without any proofs having been obtained of his guilt, or measures taken to bring him to a trial, assure the Directors, in direct contradiction to his former declaration, "that the influence of Mahomed Reza Khan still prevailed generally throughout the country, in the Nabob's household, and at the capital, and was scarcely affected by his present disgrace;"—and the said Hastings, doth confess, he had used his utmost endeavours "to break that influence, by removing his dependants, and putting the direction of all the affairs that had been committed to his care into the hands of the *most powerful or active of his enemies*; that he depended on the activity of their hatred to Mahomed Reza Khan, incited by the expectation of rewards, for investigating the conduct of the latter; that with this the institution of the new Duannee coincided, and that the same principle had guided him in the choice of Munny Begum and Rajah Gourdaß, the former for the chief administration, the latter (the son of Nundcomar, and a mere instrument in the hands of his father) for the Duannee of the Nabob's household, both "the *declared enemies* of Mahomed Reza Khan."

XII.

That although it might be true that enemies will become the most active prosecutors, and as such may, though under much guard and many precautions, be used even as witnesses; and that it ought not to be an exception, supposing their character and capacity otherwise good, to the appointing them to power; yet to advance persons to power, on the ground not of their honour and integrity, which might have produced the enmity of bad men, but merely for the enmity itself, without any reference whatsoever to a laudable cause, and even with a declared ill opinion of the morals of one of the party, such as was actually delivered in the said letter, by him the said Hastings, of Nundcomar (and which, time has shewn, he might
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also on good ground have conceived of others) was, in the circumstances of a criminal enquiry, a motive highly disgraceful to the honour of Government, and destructive of impartial justice, by holding out the greatest of all possible temptation to false accusation, to corrupt and factious conspiracies, to perjury, and to every species of injustice and oppression.

XIII.

That in consequence of the aforesaid motives, and others pretended, which were by no means a sufficient justification to the said Warren Hastings, he did appoint the woman aforesaid, called Munny Begum, who had been of the lowest and most discreditable order in society, * according to the ideas prevalent in India, but from whom he received several sums of money, to be guardian to the Nabob in preference to his own mother, *and to administer the affairs of the Government* in the place of the said Mahomed Reza Khan, the second Mussulman in rank after the Nabob, and the first in knowledge, gravity, weight, and character, among the Mussulmen of that province. And in order to try every method, and to take every chance for his destruction, the said Warren Hastings did maliciously and oppressively keep him under confinement, for a part of the time, without any enquiry, and afterwards, with a slow and dilatory trial, for two years together.

XIV.

That notwithstanding a total revolution in the power, in part avowedly made for his destruction, the persons appointed for his trial did, on full enquiry, completely acquit the said Mahomed Reza Khan of the criminal charges against him, on account of which he had been so long persecuted and confined, and suffered much in mind, body, and fortune: and the Court of Directors, in their letter of the 3d of March 1775, testify their satisfaction in the conduct and result of the said enquiry, and did direct the restoration of the said Mahomed Reza Khan to liberty, and to the offices

* A Dancing Girl,

which

which he had lately held, which comprehended the management of the Nabob's household, and the general superintendency of the justice of Bengal; but according to the orders of the Court of Directors, his appointments were reduced to thirty thousand pounds a year, or thereabouts, of which he did make grievous complaint, on account of the expences attendant on his station, and the heavy debts which he had been obliged to contract during his unjust persecution and imprisonment aforesaid.

XV.

That on the removal of the said Mahomed Reza Khan from the superintendency of the criminal justice, and in consequence of letting the province of Bengal in farm by the said Warren Hastings, several dangerous and mischievous innovations were made by him, the said Warren Hastings, and the criminal justice of the country was almost wholly subverted, and great irregularities and disorders did actually ensue.

XVI.

That the Council General, established by act of Parliament in the year 1773, did restore the said Mahomed Reza Khan, with the consent and approbation of the Nabob (but under a protest from the said Warren Hastings) to his liberty, and to his offices, according to the spirit of the orders given by the Court of Directors as aforesaid; and the Court of Directors did approve of the said appointment, and did assure the said Mahomed Reza Khan of their favour and protection, as long as his conduct should merit the same, in the following terms: "As the abilities of Mahomed Reza Khan have been sufficiently manifested; "as official experience qualifies him for so high a station, in a more eminent degree than any other native with whom the Company has been connected; "and as no proofs of maladministration have been established against him, either during the strict investigation

“ vestigation of his conduct, or since his retirement ;
 “ we cannot under all circumstances but approve your
 “ recommendation of him to the Nabob, to consti-
 “ tute him his Naib. We are well pleased that he
 “ has received that appointment, and authorize you to
 “ assure him of our favour, so long as a firm attach-
 “ ment to the interest of the Company, and a pro-
 “ per discharge of the duties of his station, shall
 “ render him worthy of our protection.” And the
 said Mahomed Reza Khan did continue to execute the
 same, without any complaint whatsoever of malversa-
 tion or negligence, in any manner or degree, in his said
 office.

XVII.

That in March 1778 the said Warren Hastings,
 under colour that the Nabob had compleated his
 twentieth year, and had desired to be placed in the
 entire and uncontrouled management of his own affairs,
 and that Mahomed Reza Khan should be removed
 from his office, and that Munny Begum his stepmo-
 ther, the dancing girl aforesaid, “ should take on
 “ herself the management of the Nizamut (the Go-
 “ vernment and general superintendency of criminal
 “ justice) without the interference of any person
 “ whatsoever ;” and, notwithstanding the contradic-
 tions in the pretended applications from the Nabob,
 with whose incapacity for all affairs, he was well ac-
 quainted, did, in defiance of the orders of the Court
 of Directors, and without regard to the infamy of an
 arrangement, made for the evident and declared pur-
 pose of delivering not only the family with the Prince,
 but the government and justice of a great kingdom,
 into such insufficient, corrupt, and scandalous hands;
 and though he has declared his opinion, “ that our
 “ national character is concerned in the character
 “ which the Nabob may obtain in the public opinion,”
 on obtaining a majority in Council, without any com-
 plaint, real or pretended, remove the said Mahomed
 Reza from all his offices, and did partition his salary

as a spoil in the following manner :—To Munny Begum, the dancing girl aforesaid, an additional allowance of seventy-two thousand rupees [7,200l.] a year; to the Nabob's own mother, but half that sum, that is to say, thirty-six thousand rupees [3,600l.] a year; to Rajah Gourdass, son of Nundcomar (whom he had described as a weak young man) seventy-two thousand rupees [7,200l.] a year; as controller of the household; and to a magistrate called Sudder ul Hock, who, in real subserviency to the said Munny Begum, was nominally to act in the department of criminal justice, seventy-eight thousand rupees [7,800l.] a year; the total of which allowances exceeding the salary of Mahomed Reza Khan by eighteen thousand rupees [1,800l.] yearly, he did, for the corrupt and scandalous purposes aforesaid, order the same to be made up from the Company's treasury.

XVIII.

That Mr. Francis and Mr. Wheler, having moved that the execution of the aforesaid arrangement, the whole expence of which, ordinary and extraordinary, was charged upon the Company's Treasury, and therefore could not be even colourably disposed of at the pretended will of the said Nabob, might be suspended until the pleasure of the Court of Directors thereon should be known; and the same being resolved agreeably to law, by a majority of the Council then present, the said Hastings urging on violently the immediate execution of his corrupt project, and having obtained, by the return of Richard Barwell, Esquire, a majority in Council, in his own casting vote, did rescind the aforesaid resolution, and did carry into immediate execution the aforesaid most unwarrantable, mischievous, and scandalous design.

XIX.

That the consequences which might be expected from such a plan of administration, did almost instant-

ly flow from it. For the person appointed to execute one of the offices which had been filled by Mahomed Reza Khân, did soon find that the Eunuchs of Munny Begum began to employ their power, with great superiority and insolence, in all the concerns of government, and the administration of justice, and did endeavour to dispose of the offices relative to the same for their corrupt purposes, and to rob the Nabob's servants of their due allowances; and in his letter of the 1st September 1778, he sent a complaint to the Board, stating, "That certain bad men had gained an ascendancy over the Nabob's temper by whose instigation he acts." And after complaining of the slights he received from the Nabob, he adds, "Thus they cause the Nabob to treat me, sometimes with indignity, at others with kindness, just as they think proper to advise him: their view is, that by compelling me to displeasure at the most unworthy treatment, they may force me either to relinquish my station, or to join with them, and act by their advice, and appoint creatures of their recommendation to the different offices, from which they might draw profit to themselves."

XX.

That, in a subsequent letter to the Governor, the said superintendant of justice did inform him, the said Warren Hastings, of the audacious and corrupt manner in which, by violence, fraud, and forgery, the eunuchs of Munny Begum had abused the Nabob's name, to deprive the judicial and executory officers of justice of the salaries which they ought to have drawn from the Company's Treasury, in the following words:—"The Begum's Ministers, before my arrival, with the advice of their counsellors, caused the Nabob to sign a receipt, in consequence of which they received, at two different times, near 50,000 Rupees [£. 5,000] in the name of the officers of the Adawlut Fousdary, &c. from the Company's Circars; and having drawn up an account current in the
" manner

" *manner they wished*, they had got the Nabob to sign " it, and sent it to me." And in the same letter he asserts, " That these people had the Nabob entirely in " their power."

XXI.

That the said Warren Hastings, upon this representation, did, notwithstanding his late pretended opinion of the fitness and the right of the Nabob to the sole administration of his own affairs, authoratively forbid him from any interference therein, and ordered that the whole should be left to the magistrate aforesaid; to which the Nabob did, notwithstanding his pretended independence, yield an immediate and unreserved submission; for the said Hastings's order being given on the first of September at Calcutta, he received *an answer* from Muxadavad on the third, in the following terms:—" Agreeably to your pleasure I " have relinquished all concern with the affairs of the " Fousdary and Adawlut, leaving the entire management in Sudder ul Hock's hands." Which said circumstance, as well as many others, abundantly proves, that all the Nabob's actions were, in truth and fact, entirely governed by the influence of the said Hastings; and that however the said Hastings may have publicly discouraged the corrupt transactions of the said Court, yet he did secretly uphold the authority and influence of Munny Begum, who did entirely direct, with his knowledge and countenance, all the proceedings therein. For

XXII.

That, on the 13th of the same month of September, he did receive a further complaint of the corrupt and fraudulent practices of the Chief Eunuch of the said Munny Begum; and these corrupt practices did so continue and increase, that, on the 10th of October 1778, he was obliged to confess, in the strongest terms, the pernicious consequences of his before-recited

recited unwarrantable and illegal arrangements; for, in a letter of that date to the Nabob, he expresses himself as follows: "At your Excellency's request, I sent Sudder ul Hock Khan to take on him the administration of the affairs of the Adawlut and Fouzdary, and hoped by that means not only to have given satisfaction to your Excellency, but that, through his abilities and experience, these affairs would have been conducted in such manner, as to have secured the peace of the country, and the happiness of the people; and it is with the greatest concern I learn, that this measure is so far from being attended with the expected advantages, that the affairs, both of the Fouzdary and Adawlut, are in the greatest confusion imaginable, and daily robberies and murders are perpetrated throughout the country. This is evidently owing to the want of a proper authority in the person appointed to superintend them. I therefore addressed your Excellency on the importance and delicacy of the affairs in question, and of the necessity of lodging full power in the hands of the person chosen to administer them; in reply to which, your Excellency expressed sentiments coincident with mine: notwithstanding which, your dependents and people, actuated by *selfish and avaricious views, have, by their interference, so impeded the business, as to throw the whole country into a state of confusion; from which nothing can retrieve it, but an unlimited power lodged in the hands of the superintendant.* I therefore request that your Excellency will give the strictest injunctions to all your dependents, not to interfere in any manner with any matter relative to the affairs of the Adawlut and Fouzdary; and that you will yourself relinquish all interference therein, and leave them entirely to the management of Sudder ul Hock Khan: This is absolutely necessary, to restore the country to a state of tranquillity." And he concluded by again recommending the Nabob to withdraw all interference with the administrator aforesaid; "otherwise a measure, which I adopted at your Excellency's request,

“ quest, and with a view to your satisfaction, and the
 “ benefit of the country, will be attended with quite
 “ contrary effects, and bring discredit on me.”

XXIII.

That the said Hastings, in the letter aforesaid, in which he so strongly condemns the acts, and so clearly marks out the mischievous effects, of the corrupt influence under which alone the Nabob acted, and under which alone, from his known incapacity, and his dependence on the person supported by the said Hastings, he could act, did propose to put all the offices of justice (which on another occasion he had requested him to *permit* to remain in the hands which then held them) into his own disposal; telling him, or rather the woman and eunuch who governed him, “ that if his
 “ Excellency has any plan for the management of the
 “ affairs in future, be pleased to communicate it to
 “ me, and every attention shall be paid to give your
 “ Excellency satisfaction.” By which means, not only particular parts, as before, but the whole system of justice was to be afloat, and to be subject to the purposes of the aforesaid corrupt cabal of women and eunuchs,

XXIV.

That the Court of Directors, on receiving an account of the above arrangements, and being well apprized of the spirit, intention, and probable effect of the same, did, in a clear, firm, and decisive manner, express their condemnation of the measure, and their rejection and reprobation of all the pretended grounds and reasons on which the same was supported; marking distinctly his prevarication and contradictions in the same, and pointing to him their full conviction of the unworthy motives on which he had made so shameful an arrangement; telling him, in the 17th paragraph of their general letter, of the 4th of Feb. 1779,
 “ The Nabob's letters of the 25th and 30th of Au-
 “ gust,

“ gust, of the 3d of September, and 17th of November, leave us no doubt of the *true* design of this “ *extraordinary* business being to *bring forward* Munny Begum, and again to invest her with improper “ power and influence, notwithstanding our former “ declaration, that so *great* a part of the Nabob’s allowance had been embezzled and misapplied under “ her superintendence.”

XXV.

That in consequence of the censure and condemnation of the unwarrantable measures of the said Warren Hastings by the Court of Directors, on the aforesaid and other weighty and substantial grounds, they did order and direct as follows, in the 20th paragraph of the general letter of the same date: “ As we deem “ it for the welfare of the country, that the office of “ Naib Soubadar be for the present continued, and “ that this high office should be filled by a person of “ wisdom, experience, and of approved fidelity to “ the Company; and as we have no reason to alter the “ opinion given of Mahomed Reza Khan, in our letter of the 24th of December 1776; we positively “ direct, that you forthwith signify to the Nabob Mobareck ul Dowla our pleasure, that Mahomed Reza Khan be immediately restored to the office of Naib “ Soubadar; and we further direct that Mahomed “ Reza Khan be again assured of the continuance of “ our favour, so long as a firm attachment to the interest of the Company, and a proper discharge of “ the duties of his station, shall render him worthy “ of our protection.”

XXVI.

That the aforesaid direction did convey in it such evident and cogent reason, and was so far enforced by justice to individuals, and by regard to the peace and happiness of the natives, as well as by the common decorum to be observed in all the transactions of Government, that the said Hastings ought to have yielded
a cheerful

a cheerful obedience thereto, even if he had not been by a positive statute, and his relation of servant to the Company, bound to that just submission. Yet the said Hastings did, without denying or evading any one of the reasons assigned by the Court of Directors, or controverting the scandalous motives assigned by them for his conduct, contumaciously refuse obedience to the above positive order, on pretence that the Nabob, who, he had declared it on record "to be as visible
" as the light of the Sun, is a mere pageant, and without even the shadow of authority," did dissent from the same; and he did encourage the said Nabob, or rather the eunuchs, the corrupt ministers of Munny Begum, to oppose himself and themselves to the authority of the said Court of Directors; by which means the arrangement, three times either ratified or expressly ordered by them, was wholly defeated; the aforesaid corrupt system was continued; Mahomed Reza Khan was not restored to his office; and a lesson was taught to the natives of all ranks, that the declared approbation, the avowed sanction, and the decided authority of the Court of Directors, were wholly nugatory to their protection, against the corrupt influence of their servants.

XXVII.

That the said Warren Hastings, on a reconciliation with Mr Francis, one of the Council General, who made it a condition thereof that certain of the Company's orders should be obeyed, and that Mahomed Reza Khan should be restored to his offices, did, a considerable time after, notwithstanding the pretended reluctance of the Nabob, and his pretended freedom, make, for his convenience in the said accommodation, the arrangement which he had unwarrantably and illegally refused to the orders of the Court of Directors; and did, of his own authority and that of the Board, restore Mahomed Reza Khan to his offices.

Y y

XXVIII. That,

XXVIII.

That, soon after the departure of the said Mr. Francis, he did again deprive the said Mahomed Reza Khan of his said offices, and did make several great changes in the constitution of the criminal justice in the said country; and after having, under pretence of the Nabob's sufficiency for the management of his own affairs, displaced, without any specific charge, trial, or enquiry whatsoever, the said Mahomed Reza Khan, he did submit the said Nabob to the entire direction, in all parts of his concerns, of a Resident of his own nomination, Sir John Doyley, Bart. and did order an account of the most minute parts of his domestic oeconomy to be made out, and to be delivered to the said Sir John Doyley, in the following words, contained in a paper by him intitled, INSTRUCTIONS from the Governor General to the Nabob Mobarek ul Dowla, respecting his conduct in the management of his affairs: "You will be pleased to direct your Mutta Seddies to form an account of the fixed sums of your monthly expences, such as servants wages in the different departments, pensions, and other allowances, as well as of the estimated amount of variable expences, to be delivered to Sir John Doyley, *for my inspection.* I have given such orders to Sir John Doyley as will enable him to propose to you such reductions of the pensions and other allowances, and such a distribution of the variable expences, as shall be proportionable to the total sum of your monthly income; *and I must request you will conform to it.*" And he did, in the subsequent articles of his said instructions, order the whole management to be directed by Sir John Doyley, subject to his own directions, as aforesaid; and did even direct what company he should keep; and did throw reflections on some persons, in places the nearest to him, as of bad character and base origin—persons whom he should decline to name as such, "unless he heard that they still availed themselves of his goodness to retain
" *the*

“ *the places* which they improperly hold near his per-
 “ son.” And he did particularly order the said Nabob
 not to admit any English, but such as the said Sir John
 Doyley should approve, to his presence; and did re-
 peat the said order in the following peremptory man-
 ner: “ You *must forbid* any persons of *that nation* to
 “ to be introduced into *your* presence, without *his* in-
 “ troduction.” And he did require his obedience
 in the following authoritative style: “ I shall think
 “ myself obliged to interfere *in another manner*, if you
 “ neglect it.”

XXIX.

That he, the said Warren Hastings, did insult the cap-
 tive condition of the said Nabob, by informing him,
 in his imperious instructions aforesaid, that this total,
 blind, and implicit obedience, in every respect what-
 soever, to Sir John Doyley and himself personally,
 and without any reference to the Board, “ was the very
 “ conditions of the compliance of the Governor Ge-
 “ neral and Council with his late requisition;” which
 requisition was, that he should enjoy *the free and uncon-*
trouled management of his own affairs. And though
 the said captive did offer, as he the said Hastings him-
 self admits, *four lacks* of his stipend, at that time re-
 duced to sixteen lacks, for *the free use of the remainder*,
 yet he did place him the said Nabob in the state of ser-
 vitude in the said instructions laid down, but a very
 short time after he had assumed and used the said Na-
 bob’s independent rights, as a ground for refusing to
 obey the Company’s orders; and although he has de-
 clared or pretended, on another occasion, which he
 would have thought similar, that any attempt to limit
 the household expences of the Nabob of Oude, was
 an indignity “ which no man living, however mean
 “ his rank in life, or dependent his condition in it,
 “ would permit to be exercised by any other, without
 “ the want or forfeiture of every manly principle.”

XXX.

That the said Warren Hastings did order the said stipend (which was to be distributed, in the minutest particular, according to the said Hastings's personal directions) to be paid monthly, not to any officer of the Nabob, but to the said Resident Sir John Doyley. And whereas the Governor General and Council did, on the appointment of Mahomed Reza Khan, according to their duty, instruct him, that "he do conform to the *orders* of the Company, which direct, that an annual account of the Nabob's expences be transmitted, through the Resident at the Durbar, for the inspection of this *Board*,"—the said Hastings, in making his new establishment in favour of his Resident, did wholly omit the said instruction, and did confine the said communication to *himself* privately. And in fact it does not appear that any accounts whatsoever of the disposition of the said large sum, exceeding 160,000*l.* sterling a year, has been laid before the Board, or at least that any such account has been transmitted to the Court of Directors; and it is not fitting that any British servant of the Company should have the management of any public money, much less of so great a sum, without a public well-vouched account of the specific expenditure thereof.

XXXI.

That the Court of Directors did, on the 17th May 1766, propose certain rules for regulating the correspondence of the Resident with the Nabob of Bengal, in which they did direct, as a principle for the said regulations, as follows (paragraph 16th :) "We would have his correspondence to be carried on with the *Select Committee* through the channel of the president; he should keep a diary of all his transactions. His correspondence with the natives *must be publicly conducted*; copies of *all* his letters, sent and received, be transmitted monthly to the presidency, with duplicates and triplicates to be transmitted home in our general packet by every ship."

XXXII. That

XXXII.

That the President and Select Committee (Lord Clive being then President) did approve of the whole substantial part of the said regulation (the diary excepted;) and the principle, in all matters of account, ought to have been strictly adhered to, whatever limitations may have been given to the office of Resident. Yet he the said Warren Hastings, in defiance of the aforesaid good rules, orders, and late precedent in conformity to the same, did not only withhold any order for the purpose, but, in order to carry on the business of the said Durbar in a clandestine manner for his own purposes, did, as aforesaid, exclude all English from an intercourse with the the Nabob, who might carry complaints or representations to the Board, or the Court of Directors, of his condition, or the conduct of the Resident; and did further, to defeat all possible publicity, insinuate to him, to give the preference to verbal communication above letters, in the words following, of the 9th article of his instructions to the Nabob: "Although I desire to receive your letters frequently, yet, as many matters will occur which cannot be so *easily explained by letters as by conversation*, I desire that you will, on such occasions, give your orders to him, respecting such points as you may desire to have imparted to me; and I, postponing every other concern, will give an immediate and the most satisfactory reply concerning them." Accordingly, no relation whatsoever has been received by the Court of Directors of the said Nabob's affairs; nor any account of the money monthly paid, except from public fame, which reports that his affairs are in great disorder, his servants unpaid, and many of them dismissed, and all the Mussulmen dependant on his family in a state of indigence.

The

The MOGUL delivered up to the MAHRATTAS.

I.

THAT Shâ Aalum, the Prince, commonly called The Great Mogul, or, by eminence, *The King*, is, or lately was, in the possession of the antient capital of Hindostan; and though without any considerable territory, and without a revenue sufficient to maintain a moderate state, he is still much respected and considered; and the custody of his person is eagerly sought by many of the princes in India, on account of the use to be made of his title and authority; and it was for the interest of the East India Company that while, on one hand, no wars shall be entered into in support of his pretensions, on the other, no steps should be taken which may tend to deliver him into the hands of any of the powerful states of that country; but that he should be treated with friendship, good faith, and respectful attention.

II.

That Warren Hastings, in contradiction to this safe, just, and honourable policy, strongly prescribed and enforced by the orders of the Court of Directors, did (at a time when he was engaged in a negotiation, the declared purpose of which was to give peace to India) concur with the * Captain General of the Maratta State, called Madajee Scindia, † in hostile designs against the few remaining territories of that same

* Letter to Colonel Muir, Sept. 10, 1781.

† Appen. to Supplement 2d Report, No. 1.

Mogul Emperor, by virtue of whose grant the Company actually possess the government, and enjoy the revenues of great provinces, and also against the possessions of a Mahomedan Chief called Nudjif Cawn, a person of much merit with the East India Company; in acknowledgment of which they had granted him a pension, included in the tribute due to the King, and, together with that tribute, taken from him by the said Warren Hastings, though expressly *guaranteed* to him by the Company. With both these powers the Company had been in friendship, and were actually at peace at the time of the said clandestine concurrence in a design against them; and the said Hastings hath since declared, that the right of one of them, namely, "the right of the Mogul Emperor to our assistance, "has been constantly acknowledged."

III.

That the said Warren Hastings, at the time of his treacherous concurrence in a design against a power, which he was himself of opinion we were bound to assist, and against whom there was no doubt he was bound neither to form nor to concur in any hostile attempt, did give a caution to Colonel Muir, to whom the negotiation aforesaid was entrusted on the part of the Company, against "inserting any thing in the "treaty which might *expressly* mark our knowledge of "his [the Maratta General's] views or concurrence in "them." Which said transaction was full of duplicity and fraud; and the crime of the said Hastings therein is aggravated, by his having some years before withheld the tribute, which by treaty was solemnly agreed to be paid to the said king, on pretence that he had thrown himself, for the recovery of his city of Delhi, on the protection of the Marattas, whom the said Warren Hastings then called * *the natural enemies* of the Company, and the growth of whose power he then alledged to be highly dangerous to the interests of this kingdom in India.

* 24th October 1774.

IV. That

IV.

That after having concurred, in the manner before mentioned, in a design of the Marattas against the Mogul; and notwithstanding he the said Warren Hastings had formerly declared, "That with him [the Mogul] our connection had been a long time suspended, and *he wished never to see it renewed*, as it had proved a fatal drain to the wealth of Bengal, and the treasury of the Company, without yielding one advantage or possible resource, even of remote benefits, in return;" the said Warren Hastings did nevertheless, on or about the month of March 1783, with the privacy and consent of the Members of the Board, but by no authoritative act, dispatch, as agents of him the Governor General only, and not as agents of the Governor General and Council, as they ought to have been, certain persons, among whom were Major Browne and Major Davy, to the Court of the king at Delhi, and did there enter into certain engagements with the said king, by the means of those agents, and did carry on certain private and dangerous intrigues for various purposes, particularly for making war in favour of the said king, against some powers or princes not precisely described, but which, as may be inferred from by subsequent correspondence, to be certain Mahommedan princes in the neighbourhood of Delhi, in amity with the Company, and some of them at that time in the actual service, and in the apparent confidence and favour of the said Mogul; and he did order Major Browne to offer to the Mogul King, to provide for the *entire* expence of *any* troops the S^a [the said king] might require; and the proposal was accordingly accepted, with the conditions annexed; by which proposal, and acceptance thereof, the East India Company was placed in a situation of great and perplexing difficulty, since either they were to engage, at an unlimited *expence*, in new wars, contrary to their orders, contrary to their general declared policy, and contrary to the published resolutions of the
House

House of Commons, and wholly incompatible with the state of their finances; or, to preserve peace, they must risk the imputation of a new violation of faith, by departing from an agreement made on the voluntary proposal of their own government; the agent of the said Hastings having declared, in his letter to the said Hastings, by him communicated to the Board, "That the business of assisting the Shâ [the "Mogul Emperor] can and *must* go on, if we wish "to be secure in India, or regarded as a nation of "faith and honour."

V.

That the said Warren Hastings did, on the 20th day of January 1784, send in circulation to the other Members of the Council, a letter to him from his agent, Major Browne, dated at Delhi on the 30th of December 1783, viz. that letter to which the foregoing references are made, in which the said Browne did directly press, and indirectly (though sufficiently and strongly) suggest several highly dangerous measures, for realizing the general offers and engagements of the said Warren Hastings;—proposing, that besides a proportion of field artillery, and a train of battering cannon for the purpose of sieges, six regiments of Sepoys in the Company's service should be transferred to that of the said king, and that certain other corps should also be raised for the said service in the English provinces and dependencies, to be immediately under the King's [the Mogul's] orders, and to be maintained by assignments of territorial revenue within the province of Oude, a dependent Member of the British Government, but with a caution against having any British officer with the same; the said Major Browne expressing his caution as followeth;—
 "If any European officer *be* with this corps, a very
 "nice judgment indeed must direct the choice; for
 "scarce any are in the smallest degree *fit* for *such* em-
 "ploy, but much more likely to do harm than
 "good." And the letter aforesaid, by him
 entered on the Company's records, being without
 Z z any

any observation thereon, or any disavowal of the matters of fact, or of the Councils so strongly and authoritatively delivered therein, by the said Warren Hastings's agent, and without any mark of disapprobation of any part of his plan, whether that of the assignment of territory belonging to the Company's allies for the maintenance of troops, which were to be by that plan put under the orders of a foreign independent power, or that of employing the said troops without any British officer with them, or of his, the said agent's, alarming observation, which, if not an implied censure on the nature of the service in which British officers are supposed improper to be trusted, is a strong reflection on the character of the British officers, which was to render them unfit to be employed in an honourable service — the said Warren Hastings did thereby give a countenance to the said unwarrantable and dangerous proposals and reflections.

VI.

That, a considerable time before the production and circulation of Major Browne's letter, the said Hastings did enter a minute of consultation, containing a proposition similar in the general intent to that in the said letter contained, for assisting the Mogul with a military force; but the other members of the Board did disagree thereto, and being alarmed at the disposition so strongly shewn by the said Hastings, to engage in new wars, and dangerous foreign connections, and possibly having intelligence of the proceedings of his agent, did call upon him to produce his instructions to Major Browne; and he did on the 5th of October 1783, and not before, enter on the consultations a certain paper, purporting to be the instructions which he had given to Major Browne the preceding March, the time of his, the said Browne's, appointment; in which pretended instructions no direction whatsoever was given to the effect of his the said Hastings's minute of consultation propounded; that

that is to say, no power was given in the said instructions to make a direct offer of military aid to the Mogul, or to form the arrangements stated by the said Browne, in his letter to the said Hastings, as having been made by the express authority of the said Hastings himself. But the said instructions contained nothing further on that subject, but a conditional direction, that in case a military force should be required for the Mogul's aid or protection, the Major is to know the service on which it is to be employed, and the resources from whence it is to be paid; and the instructions produced as his real instructions by the said Hastings, are so guarded, as to caution the said Browne against *taking any part in the intrigues of those who are about the King's person*. By which letters, instructions, and transactions, compared with each other, it appears that the said Warren Hastings, after six months delay in entering of (contrary to the Company's order) any instructions to the said Browne, did at last enter a false paper as the true, or that he did give other secret instructions, totally different from, and even opposite to his public ostensible instructions, thereby to deceive the Council, and to carry on, with less obstruction, dark and dangerous intrigues, contrary to the orders of the Court of Directors, to the true policy of this kingdom, and to the safety of the British possessions in the East.

VII.

That the said Letter from Major Browne was by the said Warren Hastings transmitted to the Court of Directors, without being accompanied by any part of the previous correspondence; by which wilful concealment the said Warren Hastings is guilty of an high and criminal disrespect to the Court of Directors, and of a most flagrant breach and violation of their orders, which he was bound by an Act of Parliament to obey.

VIII.

That the said Hastings having early in the year 1784 procured to himself a deputation to act in the upper provinces, the council, being well aware of his disposition to engage in unwarrantable designs against the neighbouring states, did expressly confine his powers, to the circumstance of his actual residence within the company's provinces : but it appears that ways were found out by which he hoped to defeat the the precautions of the board , for the said Warren Hastings did write from Lucknow, the capital of the country of Oude, to the Court of Directors, a certain postscript of a letter, dated the 4th of May 1784, in which he informs the court that the Son and Heir Apparent of the Great Mogul had taken refuge with him, and the Nabob of Oude ; that he had a conference with that Prince on the 10th of the same month of May, “ no person being either present or within “ hearing” during the same, and that in the said conference the Prince had informed him of the distresses of his father, and his wish for the relief of the King, and the restoration of the dominions of his house, as well as to rescue him from the power of certain persons not named, who degraded him into a mere instrument of their interested and sordid designs ; and that on a failure of his application to him, he would either return to his father or proceed to Calcutta, and thence to England ; and that the said Warren Hastings did give him an answer to the following effect ; “ That our [the British] Government had just “ obtained relief from a state of universal warfare, “ and required a term of repose ; that our whole nation was weary of war, and dreaded the renewal of “ it, *and would be equally alarmed at any movement of “ which it could not see the issue or progress, but which “ might eventually tend to create new hostilities* ; that he “ came hither [to Lucknow] with a limited authority, and could not, if he chose it, engage in a business of that nature, *without the concurrence of his “ colleagues*

“ *colleagues in office, who he believed would be averse to it ;*
 “ that he would represent the same to the joint mem-
 “ bers of his own Government, and wait their deter-
 “ mination. In the mean time, he advised the Prince
 “ to make advances to Madajee Scindia, both because
 “ our Government *was in intimate and sworn connection*
 “ with him, and because he was the effectual head of
 “ the Mahratta State ; besides that he, the said Warren
 “ Hastings, feared his [Scindia's] taking the other side
 “ of the question, unless he was early prevented.”

IX.

That in the statement of this discourse, there is much criminal reserve towards the Court of Directors, it not appearing distinctly what the objects were, nor who the persons concerned, nor what the side was which he apprehended the Mahrattas might take, if not prevented by his advances ; and in the discourse itself there were many particulars highly criminal ; namely, for that in the said conversation, in which he describes himself as declining a compliance with the request of the Prince, on account of the aversion (therein strongly expressed) of his colleagues, of the company, and of the whole British nation, to engage in any measures which might even “ *eventually lead to hostilities*” —he spoke to the Prince as if he had been entirely ignorant of the offers which but five months before had been made to the King his father, on the part of that very Government (whose repugnance to such measures he then, for the first time chose to profess, but which he always had known) through Major Browne, the company's representative at the Court of Delhi, “ to provide for the *entire* expence of *any* Troops “ which the Shâ [the King] might require ;” and that this was “ what the Resident had *always* proposed to the King, and his confidential Ministers ;” —the said Browne further declaring, “ That if in consequence of the said proposals, certain arrangements “ for the Shâ's service, by *troops*, were not immediately “ ordered, in his opinion all our [English Govern-
 “ ment's]

“ment’s] *offers and promises* will be considered as false “and insidious.” This being the known state of the business, as represented by the said Hastings’s own agent, and this the public opinion of it, although, to impose on the ignorance of the Prince, with regard to the proceedings at his Father’s Court, would have been unworthy in itself, yet he, the said Warren Hastings, could not hope to succeed in such imposition, as, in the postscript aforesaid, he represents the said Prince [who was the King’s eldest son, and thirty-six years of age] as a person of considerable qualifications, and perfectly acquainted with the transactions at his Father’s Court, and as one who had long held the *principal* and most active part in the little that remained of the *administration* of *Sbâ Allum*. And the said Hastings, conferring with a Prince so well instructed, without making the slightest allusions to his said positive and recent engagements, or without giving any explanation with regard to them, the said Warren Hastings must appear to the said Prince, either as a person not only contracting engagements, but actually being the first mover and proposer of them, without any authority from *his colleagues*, and against theirs and the general inclination of the British nation, and on that ground not to be trusted; or that he had used this plea of disagreement between him and his Council as a pretence, set up without colour or decency, for a gross violation of his own engagements; leaving the Princes and States of the Country no solid ground on which they can or ought to contract with the Company, to the utter destruction of all public confidence, and to the equal disgrace of the national candour, integrity and wisdom.

X.

That, in a letter dated from the same place, Lucknow, the 16th of the following June, 1784, the said Warren Hastings informs the Court of Directors, that Major Browne, their agent to the Mogul, had arrived there in the character also of agent from the Mogul, with

with two sets of instructions from two opposite parties in his Ministry, which instructions were directly contrary to each other; the first, which were the ostensible instructions, being to engage the said Hastings, in the Mogul's name, to enter into a treaty of mutual alliance with a chief of the country, then Minister to the said Mogul, called Afrasaib Khan; the second were from another principal person, called Mudjed al Dowla, also a Minister to the said Mogul, (but styled in the in the said letter *confidential*, for distinction) which were directly destructive of the former; and the said latter instructions to which it seems credence was to be given, were sent "under the most solemn adjurations of secrecy." The purpose of these latter and secret instructions were to require the Company's aid in freeing the Mogul from the oppressions of his servants, namely from the oppressions of the said *Afrasaib*, between whom and the Company Major Browne (at once agent to that Company, and to two opposite factions in the Mogul's Court) accepted a power to make a treaty of mutual alliance, under the sanction of his sovereign; and it does not appear that he, Warren Hastings, did discountenance the double dealing and fraudulent agencies of his and the Company's Minister at that Court; or did disavow any particular in the letter from him the said Browne, of the 30th of Dec. 1783, stating the offers made on his part to the Mogul, so contradictory to his late declarations to the heir apparant of that monarch, or did give any reprimand to the said Browne, or did shew any mark of displeasure against him, as having acted without orders, but did again send him, with renewed confidence, to the Court aforesaid.

XI.

That the said Warren Hastings, still pursuing his said evil designs, did apply to the Council for discretionary powers relative to the intrigues and factions in the Mogul's Court, giving assurances of his resolution ~~not~~ to proceed against their sense: But the said Council, being fully aware of his disposition and having Major Browne's

Browne's letter, recorded by himself, the said Warren Hastings, before them, did refuse to grant the said discretionary powers ; but on the contrary, did exhort him " most sedulously and cautiously to avoid, in his
 " correspondence with the different Princes in India, whatever may commit, or be strained into an
 " interpretation of committing, the Company, either
 " as to their army or treasure ;" observing, " that the
 " Company's orders are positive against their interference in the objects of dispute between the country
 " powers."

XII.

That in order to subvert the plain and natural interpretation given by the Council to the orders of the Court of Directors, and to justify his dangerous intrigues, the said Warren Hastings, in his letter of the 16th June 1784 to the said Court, did, in a most insolent and contemptuous manner, endeavour to persuade them of their ignorance of the true sense of their own orders, and, to limit their prohibition of interference with the disputes of the country powers, to such country powers as are *permanent* ; expressing himself as follows: the
 " faction which now surrounds the throne [the Mogul's
 " throne] is widely different from the idea which your
 " commands are intended to convey by the expressions
 " to which you have generally applied them of *country powers*, to which that of *permanency* is a necessary
 " adjunct ; and which may be more properly compared to a splendid bubble, which the slightest breath
 " of opposition may dissipate, with every trace of its
 " existence." By which construction the said Hastings did endeavour to persuade the Court of Directors, that they meant to confine their prohibition of sinister intrigues to those powers only who could not be easily hurt by them, and whose strength was such that their resentment of such clandestine interference was to be dreaded ; but that where the powers were weak and fragile such intrigues might be allowed.

XIII. That

XIII.

That the said Hastings, further to persuade the Court of Directors to involve themselves in the affairs of the Mogul, and to reconcile this measure with his former conduct, and declared opinions did write to them to the following effect; that “ at that former
 “ period, to which the ancient policy with regard to
 “ the Mogul applied, the King’s authority was suffi-
 “ ently respected [which he knew not to be true, hav-
 “ ing himself declared, in his minute of the 25th
 “ of October 1774, “ That he remained at Delhi,
 “ the ancient capital of the empire, a *mere cypher* in the
 “ administration of it”] to maintain itself against com-
 “ mon vicissitudes. That he would not have advised
 “ interference, if the King himself retained the exercise
 “ of it, *however feeble*, in his own hands. That if it
 “ [the Mogul’s authority] is suffered to receive its
 “ final extinction, it is impossible to foresee *what power*
 “ *may arise out of its ruins*, or what events may be
 “ linked in the same chain of revolution with it:
 “ But your interests *may* suffer by it—your reputation
 “ *certainly will*, as his right to our assistance has *been*
 “ *constantly acknowledged*, and by a train of conse-
 “ quences, to which our government has, not inten-
 “ tionally, given birth; but most especially by the
 “ movements which *its influence, by too near an ap-*
 “ *proach*, has excited, it has unfortunately become the
 “ efficient instrument of a great portion of the King’s
 “ present distresses and dangers;” intimating (as well
 as the studied obscurity of his expressions will permit
 any thing to be discerned) that his own late intrigues
 had been among the causes of the distresses and dan-
 gers, which by new intrigues he did pretend to re-
 move: And he did conclude this part of his letter
 with some loose general expressions of his caution not
 to affect the Company’s interests or revenues by any
 measures he might at that time take.

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XIV. That

XIV.

That the principle, so far as the same hath been directly avowed, of the said proceedings at the Mogul's Court, was as altogether irrational, and the pretended object as impracticable, as the means taken in pursuit of it were fraudulent and dishonourable, namely, the restoration of the Mogul in some degree to the dignity of his situation, and to his free agency in the conduct of his affairs. For the said Hastings, at the very time in which he did with the greatest apparent earnestness urge the purpose which he pretended to have in view with regard to the dignity and liberty of the Mogul Emperor, did represent him as a person wholly disqualified, and even indisposed to take any active part whatsoever in the conduct of his own affairs; and that any attempt for that purpose would be utterly impracticable: And this he hath stated to the Court of Directors as a matter of public notoriety, in his said letter of the 16th of June 1784, in the following emphatical and decisive terms.

*" You need not be told the character of the King,
" whose inertness, and the habit of long suffering, has
" debased his dignity and the fortunes of his house beyond the power of retrieving either the one or the other.
" Whilst his personal repose is undisturbed, he will
" prefer to live in the meanest state of indigence, under
" the rule of men whose views are bounded by avarice
" and the power which they derive from his authority,
" than commit any share of it to his own sons, though
" his affection for them is boundless in every other
" respect; from a natural jealousy, founded on the
" experience of a very different combination of those
" circumstances which once served as a temptation and
" example of unlawful ambition in the Princes of the
" royal line. His Ministers, from a policy more reasonable, have constantly employed every means of
" influence to confirm this disposition, and to prevent
" his sons from having any share in the distribution of
" affairs, so as to have established a complete usurpation*

“ tion of the royal prerogative under its own sanction
“ and patronage.”

XV.

That the said Warren Hastings having given this opinion of the Sovereign for whose freedom he pretended so anxious a concern, did describe the minister, with whom he had long acted in concurrence, and from whom he had just received the extraordinary secret embassy aforesaid, for the purpose of effecting the deliverance of his master the Mogul from the usurpations of *his ministers*, as follows ;—“ The first minister, Mudjud ul Dowla, is *totally* deficient in every military quality ; conceited of his own superior talents ; and formed to the practice of *that crooked policy, which generally defeats its own purpose*, but sincerely attached to his master.” The reality of the said attachment was not only improbable but altogether useless ; as the said minister was the only one among the principal persons about the King, who (besides the total want of all military and civil ability) possessed no territories, troops, or other means of serving and supporting him ; but was himself solely upheld by his influence over his master ; neither doth the said Hastings free him any more than the persons more deficient, who were to be destroyed, from a disposition to alienate the King from an attention to his affairs, and from all confidence in his own family, but on the contrary, he brings him forward as the very first among the instances he adduces to exemplify the practices of the Ministers against their Sovereign and his children.

XVI.

That the said Warren Hastings, recommending in general terms, and yet condemning in detail, every part of his own pretended plan, as impracticable in itself, and as undertaken in favour of persons all of whom he describes as incapable, and the principal as indisposed to avail himself thereof, must have had some other motives for this long, intricate, dark, and laborious pro-

ceeding with the Mogul, which must be sought in his actions, and the evident drift and tendency thereof, and in declarations which were brought out by him to serve other purposes, but which serve fully to explain his real intentions in this intrigue.

XVII.

That the other members of the Council General having abundantly certified their averfeness to his intrigues, and even having shewn apprehensions of his going personally to the Mogul and Mahrattas, for the purpose of carrying on the same, the said Hastings was driven headlong to acts which did much more openly indicate the true nature and purpose of his machinations: For he at length recurred directly, and with little disguise to the Mahrattas, and did open an intrigue with them, although he was obliged to confess in his letter aforesaid, of the 16th June 1784, that the exception which he contended to be implied in the orders of the Court of Directors, forbidding the intermeddling in the disputes of "the country powers," namely that of "powers not permanent," did by no means apply to the Mahrattas: For he informs the Court of Directors that he did, on the very first advice he received of the flight of the Mogul's son, write to Mr. James Anderson to apprize the Mahratta chief Scindia of that event; "for which, as he was unprepared, he desired his [the said Scindia's] advice for his conduct on the occasion of it." Which method of calling for the advice of a foreign power to regulate his political conduct, instead of being regulated therein by the advice of the British Council, and the standing orders of the Court of Directors, was a procedure highly criminal; and the crime is aggravated by his not communicating the said correspondence to the Council General, as by his duty he was bound to do; but it does abundantly prove his concert with the Mahrattas in all that related to his negotiations in the Mogul Court, which were carried on agreeably to their advice, and in subserviency to their views and purposes.

XVIII. That

XVIII.

That in consequence of the cabal begun with the Mahrattas, the said Chief Scindia did send his "familiar and confidential Ministers" to him the said Hastings, being at Lucknow, with whom the said Hastings did hold several secret conferences, without any secretary or other assistant; and the said Hastings hath not conveyed to the Court of Directors any minutes thereof, but hath purposely involved even the general effect and tendency of these conferences in such obscurity, that it is no otherwise possible to perceive the drift and tendency of the same, but by the general scope of councils and acts relative to the politics of the Mogul and of the Mahrattas together, and by the final event of the whole, which is sufficiently visible. For

XIX.

That the said Hastings had declared, in his said letter of the 16th June, 1784, that the Mogul's right to our assistance had been constantly acknowledged; that the Mogul had been oppressed by the lesser Mahomedan Princes, in the character of his officers of state, and military commanders; and he did plainly intimate that the said Mogul ought to be relieved from that servitude. And he did, in giving an account to the Court of Directors of the conferences aforesaid, assure them that "his inclinations [the inclinations of the "Mahratta chief aforesaid] were not very dissimilar from his own;" and that "neither in this, nor in any other instance, would he suffer himself to be drawn into measures which shall tend to weaken their connexion, nor *in this even to oppose his* [the "said Chief's] *inclinations*;" the said Hastings well knowing, as in his letter to Colonel Muir of the he has confessed, that the inclinations of the said Scindia were to seize on the Mogul's territories, and that he himself did secretly concur therein, though he did not formally insert his concurrence in the treaty with the said Mahratta Chief. It is plain therefore that

that he did all along concur with the Mahrattas in their designs against the said King and his Ministers, under the treacherous pretence of supporting the authority of the former against the latter; and did contrive and effect the ruin of them all:—For, first, he did give evil and fraudulent counsel to the heir apparent of the Mogul “to make advances to the “Mahrattas,” when he well knew, and had expressly concurred in, the designs of that state against his father’s [the Mogul’s] dominions; and farther to engage and entrap the said Prince, did assert that “our government,” [meaning the British government] “was “in intimate and sworn connexion with Madajee “Scindia,” when no alliance offensive or defensive appears to exist between the said Scindia and the East India Company, nor can exist, otherwise than in virtue of some secret agreement between him the said Scindia and Warren Hastings, entered into by the latter without the knowledge of his colleagues, and the government, and never communicated to the Court of Directors: And, secondly, he did, in order to further the designs of the Mahrattas, contrive and effect the ruin of the said Mogul and his authority, by setting on foot, through the aforesaid Major Browne, sundry perplexed and intricate negotiations, contrary to public faith, and to the honour of the British nation; by which he did exceedingly encrease the confusion and disorders of the Mogul’s Court, exposing the said Mogul to new indignities, insults, and distresses, and almost all of the northern parts of India to great and ruinous convulsions, until three out of four of the principal chieftains, some of them possessing the territories lately belonging to Nudjiff Cawn, and maintaining among them eighty thousand troops of horse and foot, and some of which chiefs were the Ministers aforesaid, being cut off by their mutual dissensions, and the fort of Delhi being at length delivered to the Mahrattas, the said Scindia became the uncontrouled ruler of the royal army; and the person of the Mogul, with the use of all his pretensions and claims, fell into the hands of a nation already too powerful, together with
with

with an extensive territory, which entirely covers the Company's possessions and dependencies on one side, and particularly those of the Nabob of Oude.

XX.

That the circumstances of these countries did, in the opinion of the said Warren Hastings-himself, sufficiently indicate to him the necessity of not aggrandizing any power whatsoever on their borders, he having, in the aforesaid letter of the 16th June, given a deliberate opinion of the situation of Oude, in the words following: "That whilst we are at peace with the powers of Europe it is only in this quarter that your possessions, under the government of Bengal, are vulnerable." And he did farther in the said letter state, that, "if things had continued as they had been to that time, with a divided government," [viz. the Company's and the Vizier's, which government he had himself established, and under which it ever must in a great degree remain, whilst the said country continues in a state of dependence] "the *slightest* shock from a foreign hand, or even an *accidental internal commotion*, might have thrown the whole into confusion, and produced the most fatal consequences." In this perilous situation he made the above-recited sacrifices to the ambition of the Mahrattas, and did all along so actively countenance and forward their proceedings, and with so full a sense of their effect, that in his minute of the 24th December 1784 he has declared, "that in the countries which border on the dominions of the Nabob Vizier, or on that quarter of our own, in effect *there is no other power*." And he did further admit, that the presence of the Mahratta Chief aforesaid, so near the borders of the Nabob's dominions, was no cause of suspicion; for, "that it is the effect *of his own solicitation*, and is *so far* the effect of an act of that government."

XXI, That

XXI.

That in further pursuit of the same pernicious design, he the said Warren Hastings did enter into an agreement to withdraw a very great body of the British troops out of the Nabob's dominions; asserting, however truly, yet in direct contradiction to his own declarations, that "this government [meaning the "British government] has not any right to force defence with its maintenance upon him" [the Nabob]; and he did thus not only avowedly aggrandize the Mahratta State, and weaken the defence upon the frontier, but did as avowedly detain their Captain General in force on that very frontier; notwithstanding he was well apprized, that they had designs against those dependant territories of Oude, which they had with great difficulty been persuaded even in appearance to include in the treaty of peace; and that they have never renounced their claims upon certain large and valuable portions of them, and have shewn evident signs of their intentions, on the first opportunity, of asserting and enforcing them. And, finally, the said Warren Hastings, in contradiction to sundry declarations of his own, concerning the necessity of curbing the power of the Mahrattas, and to the principle of sundry measures undertaken by himself professedly for that purpose, and to the sense of the House of Commons, expressed in their resolution of 28th May 1782, against any measures that tended to unite the dangerous powers of the Mahratta empire under one active command, has endeavoured to persuade the Company, that "while Scindia lives, every accession of territory obtained by him will be an advantage to this [the "British] government;" which, if it was true as respecting the personal dispositions of Scindia, which there is no reason to believe, yet it was highly criminal to establish a power in the Mahrattas, which must survive the man in confidence of whose personal dispositions a power more than personal was given, and which may hereafter fall into hands disposed to make a more hostile use of it.

XXII. That

XXII.

That in consequence of all the before-recited intrigues, the Mogul Emperor being in the hands of the Mahrattas, he the said Mogul has been obliged to declare the head of the Mahratta State to be Vicegerent of the Mogul Empire, an authority which supersedes that of Vizier, and has thereby consolidated in the Mahratta State all the powers acknowledged to be of legal authority in India; in consequence of which they have acquired, and have actually already attempted to use, the said claims of general superiority against the Company itself; the Mahrattas claiming a right in themselves to a fourth part of the revenues of all the provinces in the Company's possession, and claiming in right of the Mogul, the tribute due to him; by which actings and doings the said Hastings has to the best of his power brought the British provinces in India into a dependence on the Mahratta State; and in order to add to the aforesaid enormous claims a proportioned force, he did never cease, during his stay in India, to contrive the means for its encrease: For it is of public notoriety, that one great object of the Mahratta policy is to unite under their dominion the nation or religious sect of the Seiks, who being a people abounding with soldiers, and possessing large territories, would extend the Mahratta power over the whole of the vast countries to the north west of India.

XXIII.

That the said Warren Hastings, farther to augment the power of the said Mahrattas, and to endanger the safety of the British possessions, having established in force the said Mahrattas on the frontier, as afore recited, and finding the Council General averse in that situation to the withdrawing the British forces therefrom, and for disbanding them to the extent required by the said Hastings, did in a minute of the 4th December 1784, after stating a supposition, that, contrary

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trary to his opinion, the said troops should not be reduced, propose to employ them under the command of the Mogul's Son, then under the influence of the Mahrattas, in a war against the aforesaid people or religious sect called Seiks defending the same on the following principles: "I feel the sense of an obligation imposed on me by the supposition I have made to state a mode of rendering the detachment of use in its prescribed station, and of affording the *appearance* of a cause for its retention."

XXIV.

That the said Hastings did admit, that there was no present danger to the Company's possessions from that nation, which could justify him in such a war, as he had declared that the Mahrattas were the *only power* that bordered on the Company's possessions and those of the Vizier; but he did assign, as a reason for going to war with them, their military and enthusiastic spirit; the hardness of their natural constitution; the dangers which might arise from them in some future time, if they should ever happen to be united under one head, they existing at present in a state little different from anarchy; and he did predict great danger from them and at no very remote period, "if this people be permitted to grow into maturity without interruption." And though he doth pretend, that the solicitations of the heir apparent of the Mogul, who he says did repeatedly and earnestly solicit him to obtain the permission to use the Company's troops for the purpose aforesaid, had weight with him; yet he doth declare, as he expresses himself in the minute aforesaid, that "a *stronger impulse*, arising from the hope of *blasting the growth* of a generation whose strength *might* become fatal to our own, strongly pleaded in my mind for supporting his wishes."

XXV. That

XXV.

That the said Warren Hastings, after forcibly recommending the plan aforesaid, did state strong objections, that did, "in his judgment, outweigh the advantages which might arise from a compliance with it." Yet the said Hastings, being determined to pursue his scheme for aggrandizing, at any rate, the Mahratta power, in whose adult growth, and the recent effects of it, he could see no danger, did pursue the design of war against a nation or sect of religion in its infancy, from whom he had received no injury, and in whose present state of government he did not apprehend any mischief whatsoever: And finding the Council fixed and determined on not disbanding the frontier regiments, and thinking that therein he had found an advantage, he did ground thereon the following proposition.

"If the expence [of the frontier troops] is to be continued, it may be surely better continued for some useful purpose, than to keep up the parade of a great military corps, designed merely to lie inactive in its quarters. On this ground therefore, and on the supposition premised, I revert to my original sentiments in favour of the Prince's plan; but as this will require some qualification in the execution of it, I will state my recommendation of it in the terms of a proposition, viz. That if it shall be the resolution of the Board to continue the detachment now under the command of Colonel Sir John Cumming at Furruckabad; and if the Prince Mirza Jehander Shah shall apply, *with the authority of the King and the concurrence of Madajee Scindia*, for the assistance of an English military force to act in conjunction with him, to expel the Sics from the territories of which they have lately possessed themselves in the neighbourhood of Delhi, it may be granted, and such a portion of the said detachment allotted to that service as shall be hereafter judged adequate to it."

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XXVI. That

XXVI.

That the said Warren Hastings did, in the said proposal, endeavour to circumvent and over-reach the Council General, by converting an apparent and literal compliance with their resolution into a real and substantial opposition to and disappointment thereof. For his first proposal was to withdraw the Company's troops from the Vizier's country, on the pretence of relieving him from the burthen of that establishment, but in reality with a view of facilitating the Mahratta pretensions on that province, which would then be deprived of the means of defence. And when the Council rejected the said proposal, on the express ground of danger to the province, by withdrawing from the Mahrattas the restraint of our troops, the said Hastings, finding his first scheme in favour of the Mahrattas, against the provinces dependant on the Company, defeated, by the refusal of the Council to concur in the said measure of withdrawing the troops, did then endeavour to obtain the same purpose in a different way; and instead of leaving the troops, according to the intention and policy of the Council, as a check to the ambition and progress of the Mahrattas, he proposed to employ them in the actual furtherance of those schemes of aggrandizement, of which his colleagues were jealous, and which it was the object of their resolution to counteract.

XXVII.

That in the whole of the letters, negotiations, proposals, and projects of the said Warren Hastings, relative to the Mogul, he did appear to pursue but one object, namely, the aggrandizement of the lately hostile and always dangerous power of the Mahrattas; and did pursue the same by means highly dishonourable to the British character for honour, justice, candour, plain dealing, moderation, and humanity.

No. XIX.

LIBEL ON THE COURT OF
DIRECTORS.

I,

THAT Warren Hastings, Esquire, was, during the whole of the year 1783, a servant of the East India Company, and was bound by the duties of that relation, not only to yield obedience to the orders of the Court of Directors, but to give to the whole of their service an example of submission, reverence, and respect to their authority: And that if they should, in the course of their duty, call in question any part of his conduct, he was bound to conduct his defence with temper and decency; and while his conduct was under their consideration, it was not allowable to print and publish any of his letters to them, without their consent first had and obtained; and he was bound by the same principles of duty, enforced by still more cogent reasons, to observe, in a paper intended for publication, great modesty and moderation, and to treat the said Court of Directors, his lawful masters, with respect.

II,

That the said Warren Hastings did print and publish, or caused to be printed and published, at Calcutta in Bengal, the narrative of his transactions at Benares, * in a letter written at that place, without leave had of the Court of Directors, in order to pre-occupy the judgment of the servants in that settlement, and to gain from them a factious countenance and support, previous to the judgment and opinion of the Court of Directors, his lawful superiors.

* See Mr. Hastings' Narrative of the Insurrection at Benares, printed for J. Debrett.

III. That

III.

That the Court of Directors, having come to certain resolutions of fact relative to the engagements subsisting between them and the Rajah of Benares, and the manner in which the same had been fulfilled on the part of the Rajah, did, in the Fifth Resolution, which was partly a Resolution of opinion, declare as follows: "That it appears to this Court, that the
 "conduct of the Governor General towards the Ra-
 "jah, whilst he was at Benares, was improper; and
 "that the imprisonment of his person, thereby dis-
 "gracing him in the eyes of his subjects, and others,
 "was unwarrantable and highly impolitic, and may
 "tend to weaken the confidence which the native
 "princes of India ought to have in the justice and
 "moderation of the Company's Government."

IV.

That the said Resolutions being transmitted to the said Warren Hastings, he, the said Warren Hastings, did write, and cause to be printed and published, a certain false, insolent, malicious, and seditious libel, purporting to be a letter from him, the said Warren Hastings, to the Court of Directors, dated Fort William, 20th March 1783, "calculated [as the Direc-
 "tors truly affirm] to bring contempt, as well as an
 "odium, on the Court of Directors for their conduct
 "on that occasion;" and the said libel had a direct tendency to excite a spirit of disobedience to the lawful government of this nation in India, through all ranks of their service,

V.

That he, the said Warren Hastings, among other insolent and contumacious charges and aspersions on the Court of Directors, did address them in the printed letter aforesaid, as follows:—"I deny that Rajah
 "Cheit Sing was a native prince of India. Cheit Sing
 "is

“ is the son of a collector of the revenue of that province, which his arts, and the misfortunes of his master, enabled him to convert to a permanent and hereditary possession. This man, whom *you have thus ranked among the princes of India*, will be astonished, when he hears it, at an elevation so unlooked for; nor less at the independent rights which *your commands have assigned him*; rights which are so *foreign to his conceptions*, that I doubt whether he will know in what language to assert them; unless the example which *you have thought it consistent with justice, however opposite to policy, to shew, of becoming his advocates against your own interests, should inspire any of your own servants to be his advisers and instructors.*” And he did further, to bring into contempt the authority of the Company, and to excite a resistance to their lawful orders, frame a supposition, that the Court of Directors had intended the restoration of the Rajah of Benares; and on that ground did presume, in the said libel, to calumniate, in disrespectful and contumelious terms, the policy of the Court of Directors, as well as the person whom he did conceive to be the object of their protection, as followeth:—“ Of the consequences of such a policy, I forbear to speak. *Most happily, the wretch whose hopes may be excited by the appearances in his favour, is ill qualified to avail himself of them, and the force which is stationed in the province of Benares is sufficient to suppress any symptoms of internal sedition;* but it cannot fail to create distrust and suspense in the minds both of the rulers and of the people, and such a state is always productive of disorder. But it is not in this partial consideration that I dread the effects of your commands, it is in your proclaimed indisposition against the first executive member of your first government in India. I almost shudder at the reflection of what might have happened, had these denunciations against your own minister, in favour of a man universally considered, in this part of the world, as justly attainted for his crimes, the murderer of your servants and soldiers, and the
 “ rebel

" rebel to your authority, arrived two months
" earlier."

VI.

That the said Warren Hastings did also presume to censure and asperse the Court of Directors for the moderate terms in which they had expressed their displeasure against him, as putting him under the necessity of stating in his defence a strong accusation against himself; and as implying in the said Court a consciousness that he was not guilty of the offences charged upon him, being, as he asserts, in the resolutions of the Court of Directors, " arraigned and pre-judged
" of a *violation of national faith, in acts of such complicated aggravation, that, if they were true, no punishment SHORT OF DEATH* could atone for the
" injury which the interest and credit of the public
" had sustained in them:" And he did therefore censure the said Court, for applying no stronger, or more criminating epithets, than those of " improper,
" unwarrantable, and highly impolitic," to an offence so by them charged, and by him described. And though it be true, that the expressions aforesaid are much too reserved for the purpose of duly characterising the offences of the said Hastings, yet was it in *him* most indecent, to libel the Court of Directors for the same; and his implication, from the tenderness of the epithets and descriptions aforesaid used towards him, was not only indecent, but ungrounded, malicious, and scandalous; he having himself highly, though truly, aggravated " the charge of the injuries done
" by him to the Rajah of Benares," in order to bring the said Directors into contempt and suspicion; the paragraphs in the said libel being as follows: " Here
" I must crave leave to say, that the terms 'improper, unwarrantable, and highly impolitic,' are
" much too gentle, as deductions from such premises; and as every reader of the latter will obviously feel, as he reads, the deductions which inevitably belong to them, I will add that the strict performance

“formance of solemn engagements on one part, followed by acts directly subversive of them, and by total dispossession, on the other, stamps on the perpetrators of the latter the guilt of the greatest possible violation of faith and justice.”—“There is an appearance of tenderness in this deviation from plain construction, of which, however meant, I have a right to complain; because it imposes on me the necessity of framing the terms of the accusation against myself, which you have only not made, but have stated the leading arguments to it so strongly, that no one who reads these can avoid making it, or not know it to have been intended.”

VII.

That the said Hastings, being well aware that his own declarations did contain the clearest condemnation of his own conduct from his own pen, did, in the said libel, attempt to overturn, frustrate, and render of none effect, all the proofs to be given of prevarication, contradiction, and of opposition of action to principle, which can be used against men in public trust, and did contend that the same could not be used against him; and as if false assertions could be justified by factious motives, he did endeavour to do away the authority of his own *deliberate, recorded* declarations, entered by him *in writing* on the Council books of the presidency; for, after asserting, *but not attempting to prove*, that his declarations were consistent with his conduct, he writes in the said libel as follows: For “were it otherwise, they were not to be made the rules of my conduct; and God forbid that every expression dictated by the impulse of present emergency, and unpremeditatedly uttered in the heat of party contention, should impose upon me the obligation of a fixed principle, and be applied to every variable occasion.”

VIII.

That the said Hastings, in order to draw the lawful dependence of the servants of the Company from the Court of Directors, to a factious dependence on himself; did, in the libel aforesaid, treat the acts and appointments of their undoubted authority, when exercised in opposition to his arbitrary will, as ruinous to their affairs, in the following terms: "It is as well known to the Indian world, as to the Court of English proprietors, that the first declaratory instruments of the dissolution of my influence, in the year 1774, were Mr. John Bristow and Mr. Francis Fowke: By your ancient and known constitution, the Governor has been ever held forth, and understood to possess the ostensible powers of Government; all the correspondence with foreign princes is conducted in his name; and every person resident with them for the management of your political concerns, is understood to be *more especially his* representative, and of *his* choice—and such ought to be the rule; for how otherwise can they trust an agent, nominated against the will of *his* principal? When the state of this administration was such as seemed to *admit of* the appointment of Mr. Bristow to the residency of Lucknow, without *much* diminution of *my own* influence, I gladly seized the occasion to shew my readiness to submit to your commands: I proposed his nomination; he was nominated, and declared to be *the agent of my own choice*. Even this effect of my caution is *defeated by your absolute command for his re-appointment independent of me, and with the supposition that I should be adverse to it*.—I am now wholly deprived of my official powers, both in the Province of Oude, and in the Zemindarry of Benares."

IX.

That, further to emancipate others and himself from due obedience to the Court of Directors, he did, in
the

the libel aforesaid, enhance his services; which, without specification or proof, he did suppose in the said libel to be important and valuable, by representing them as done under their displeasure; and doth attribute his not having done more, to their opposition, as followeth:—"It is now a complete period of eleven years since I first received the first nominal charge of your affairs; in the course of it I have invariably had to contend, not with ordinary difficulties, but such as most unnaturally arose from the opposition of those very powers from which I primarily derived my authority, and which were required for the support it. My exertions, though applied to an unvaried and consistent line of action, have been occasional and desultory; yet I please myself with the hope, that in the annals of your dominion, which shall be written after the extinction of recent prejudices, this term of its administration will appear not the least conducive to the interests of the Company, nor the least reflective of the honour of the British name; and allow me to suggest the instructive reflection of what good might have been done, and what evil prevented, had due support been given to that administration which has performed such eminent and substantial services without it."

And the said Hastings, farther to render the authority of the said Court perfectly contemptible, doth, in a strain of exultation for his having escaped out of a measure, in which by his guilt he had involved the Company in a ruinous war, and out of which it had escaped by a sacrifice of almost all the territories before acquired (from that enemy which he had made) either by war, or former treaties, and by the abandoning the Company's Allies to their mercy; attribute the said supposed services to his acting in such a manner as had on former occasions excited their displeasure, in the following words:

"Pardon, honourable Sirs, this digressive exultation; I cannot suppress the pride which I feel in
C c c 2 " this

“ this successful atchievement of a measure so fortunate for your interests, and the national honour ;
 “ for that pride is the source of my zeal, so frequently
 “ exerted in your support, and never more happily
 “ than in those instances *in which I have departed from*
 “ *the prescribed and beaten path of action, and assumed a*
 “ *responsibility which has too frequently drawn on me the*
 “ *most pointed effects of your displeasure.* But however I
 “ may yield to my private feelings, in thus enlarging
 “ on the subject, my motive in introducing it was
 “ immediately connected with its context, and was to
 “ contrast *the actual state of your political affairs, derived*
 “ *from a happier influence, with that which might have*
 “ *attended an earlier dissolution of it :*” And he did value
 himself upon “ the patience and temper with which he
 “ had submitted to all the indignities which have been
 “ heaped upon him [meaning by the said Court of
 “ Directors] in this long service:” And he did insolently attribute to an unusual strain of zeal for their service, that he “ *persevered in the VIOLENT MAIN-*
 “ *TENANCE OF HIS OFFICE.*”

X.

That in order further to excite the spirit of disobedience in the Company's Servants, to the lawful authority set over them, he the said Warren Hastings did treat contemptuously and ironically the supposed disposition of the Company's servants to obey the orders of the Court of Directors, in the words following:
 “ The recall of Mr. Markham, who was known to be
 “ the public agent of my own nomination at Benares,
 “ and the re-appointment of Mr. Francis Fowke, by
 “ your order, contained in the same letter, would place
 “ it [the restoration of Cheit Sing] beyond a doubt.
 “ *This order has been obeyed; and whenever you shall be*
 “ *pleased to order the restoration of Cheit Sing, I will*
 “ *venture to promise the same ready and exact submission in*
 “ *the other members of the Council :*” And he did, in the postscript of the said letter, and as on recollection, endeavour to make a reparation of honour to his said colleagues,

colleagues, as if his expressions aforesaid had arisen from animosity to them, as follows: "Upon a careful revival of what I have written, I fear that an expression which I have used, respecting the probable conduct of the Board, in the event of orders being received for the restoration of Cheit Sing, may be construed as intimating a sense of dissatisfaction, applied to transactions already past.—It is not my intention to complain of any one."

XI.

That the said Hastings, in the acts of injury aforesaid to the Rajah of Benares, did assume and arrogate to himself an illegal authority therein, and did maintain that the acts done in consequence of that measure were not revocable by any subsequent authority, in the following words: "If you should proceed to order the restoration of Cheit Sing to the Zemindarry, from which, *by the powers which I legally possessed*, and conceive myself legally bound to assert against any subsequent authority to the contrary, derived from the same common source, he was dispossessed for crimes of the greatest enormity, and your Council shall resolve to execute the order, I will instantly give up my station, and the service."

XII.

That the said Warren Hastings did attempt to justify his publication of the said libellous letter, to and against the Court of Directors, by asserting therein, that these resolutions [meaning the resolutions of the Court of Directors, relative to the Rajah of Benares] "were *either published, or intended for publication*;" evidently proving, that he did take this unwarrantable course without any sufficient assurance that the ground and motive by him assigned, had any existence.

No. XX.

MARATTA WAR, and PEACE.

I.

THAT by an Act, passed in 1773, it was expressly ordered and provided, "That it should not be lawful for any President and Council of Madras, Bombay, or Bencoolen, for the time being, to make any orders for commencing hostilities, or declaring or making war, against any Indian princes or powers, or for negotiating or concluding any treaty of peace, or other treaty, with any such Indian princes or powers, without the consent and approbation of the Governor General and Council first had and obtained, except in such cases of *imminent necessity* as would render it dangerous to postpone such hostilities or treaties until the orders from the Governor General and Council might arrive."—That nevertheless the President and Council of Bombay did, in December 1774, without the consent and approbation of the Governor General and Council of Fort William, and in the midst of profound peace, commence an unjust and unprovoked war against the Maratta Government; did conclude a treaty with a certain person, a fugitive from that government, and proscribed by it, named Ragonaut Row, or Ragoba; and did, under various base and treacherous pretences, invade and conquer the island of Salsette, belonging to the Maratta Government.

II. That

II.

That Warren Hastings, on the first advices received in Bengal of the above transactions, did condemn the same in the strongest terms; declaring that (a) "the measures adopted by the presidency of Bombay had a tendency to a very extensive and indefinite scene of troubles; and that their conduct was unseasonable, impolitic, unjust, and unauthorized."—And the Governor General and Council, in order to put a stop to the said unjust hostilities, did appoint an Ambassador to the Peshwa, or Chief of the Maratta State, resident at Poona; and the said Ambassador did, after a long negotiation, conclude a definitive treaty of peace with the said Peshwa, (b) on terms highly honourable and beneficial to the East India Company, who, by the said treaty, obtained from the Marattas a cession of considerable tracts of country, the Maratta share of the city of Broach, twelve lacks of rupees for the expences of the said unjust war, and particularly the island of Salsette, of which the Presidency of Bombay had possessed themselves by surprize and treachery; that in return for these extraordinary concessions, the articles principally insisted on by the Marattas, (c) with a view to their own future tranquillity and internal quiet, were, that *no assistance should be given to any subject or servant of the Peshwa that should cause disturbances, or rebellion, in the Maratta dominions*, and particularly, that the English *should not assist Ragonaut Row*, (d) to whom the Marattas agreed to allow five lacks of Rupees a year, or a Jaghire to that amount, and that he should reside at Benares; that nevertheless, the Presidency of Bombay did receive and keep Ragonaut Row at Bombay, did furnish him with a considerable establishment, and continue to carry on secret intrigues and negotiations

(a) 31st May 1775. App. to 5th Rep. Com. of Secrecy, No. 68.

(b) Ditto, No. 116, 1st March 1776.

(c) App. to 6th Rep. No. 11.

(d) No. 11.

with

with him, thereby giving just ground of jealousy and distrust to the Maratta State: That the late Colonel John Upton, by whom the treaty of Poorunder was negociated and concluded, did declare to the Governor General and Council, "That while Ragobaut Row resides at Bombay, in expectation of being supported, the Ministers can place no confidence in the Council there; which must now be productive of the greatest inconveniencies, and perhaps, in the end, of fatal consequences." (e) That the said Warren Hastings, concurring with his Council, which then consisted of Sir John Clavering, Richard Barwell, and Philip Francis, Esquires, did, on the 18th of August 1777, declare to the Presidency of Bombay, (f) that "he could see no reason to doubt that the presence of Ragoba at Bombay would continue to be an *insuperable bar* to the completion of the treaty concluded with the Maratta Government, nor could any sincere cordiality and good understanding be established with them, as long as he should appear to derive encouragement and support from the English."

III.

That Sir John Clavering died soon after, and that the late Edward Wheler, Esquire, succeeded to a seat in the Supreme Council. That, on the 29th of January 1778, the Governor General and Council received a letter from the Presidency of Bombay, dated 12th December 1777, in which they declared, "That they had agreed to give encouragement to a party formed in Ragoba's favour, and flattered themselves they should meet with the hearty concurrence of the Governor General and Council in the measures they might be obliged to pursue in consequence." That the party so described was said to consist of four principal persons in the Maratta State, on whose part

(e) App. to 6th Report, 31st July 1777.

(f) Do. No. 12.

some overtures had been made to Mr. William Lewis, the Resident of Bombay, at Poona, for the assistance of the Company to bring Ragoba to Poona. That the said Warren Hastings, immediately on the receipt of the preceding advices, did propose and carry it in Council, (g) by means of his casting voice, and against the remonstrances, arguments, and solemn protest of two members of the Supreme Council, that the sanction of that Government should be given to the plan which the President and Council of Bombay had agreed to form with the Maratta Government; and also, that a supply of money (to the amount of ten lacks of rupees) should be immediately granted to the President and Council of Bombay, for the support of their engagements above mentioned; and also, that a military force should be sent to the Presidency of Bombay.

IV.

That, in defence of these Resolutions, the said Warren Hastings did falsely pretend and affirm, (h) “ that the Resolution of the Presidency of Bombay was formed on such a case of *imminent necessity*, as would have rendered it dangerous to postpone the execution of it, until the orders from the Governor General and Council might arrive; and that the said Presidency of Bombay *were warranted, by the treaty of Poorunder*, (i) to join in a plan for conducting Ragonaut Row to Poona, on the application of the ruling part of the Maratta Staate;” whereas the main object of the said treaty, on the part of the Marattas, and to obtain which they made many important concessions to the India Company, was, that the English should withdraw their forces, and give no assistance to Ragoba, and that he should be excluded for ever from any share in their Government, being a person * *universally held in abhor-*

(g) No. 27. 2d February 1778.

(h) No. 29.

(i) No. 27.

* Vide, Mr. Watherstone's Letter of 24th Dec. 1778. No. 170.

rence in the Maratta empire; and if it had been true (instead of being, as it was, notoriously false) that the *ruling part* of the administration of the Maratta State solicited the return of Ragonaut Row to Poona, his return, in that case, might have been effected by acts of their own, without the interposition of the English power, and without our interference in their affairs. That it was the special duty of the said Warren Hastings, derived from a special trust reposed in him, and power committed to him by Parliament, to have restrained, as by law he had authority to do, the subordinate Presidency of Bombay from entering into hostilities with the Marattas, or from making engagements, the manifest tendency of which was to enter into those hostilities, and to have put a stop to them, if any such had been begun. That he was bound by the duty of his office to preserve the faith of the British Government, pledged in the treaty of Poorunder, inviolate and sacred, as well as by the special orders and instructions of the East India Company, (*k*) *to fix his attention to the preservation of peace throughout India*; all which important duties the said Warren Hastings did wilfully violate, in giving the *sanction* of the Governor General and Council to the dangerous, faithless, and ill-concerted projects of the President and Council of Bombay, hereinbefore mentioned, from which the subsequent Maratta war, with all the expence, distress, and disgraces which have attended it, took their commencement; and that the said Warren Hastings therefore is specially and principally answerable for the said war, and for all the consequences thereof.

V.

That in a letter, dated the 20th of January 1778, (*l*) the President and Council of Bombay informed the Governor General and Council, that, in consequence of later intelligence received from Poona, they had

(*k*) 31st March 177

(*l*) No. 34.

immediately

immediately resolved that nothing further could be done, unless Saccaram Baboo, the principal in the late treaty [of Poorunder] joined in making a formal application to them. But no such application was ever made by that person. And the said Warren Hastings, finding that all this pretended ground for engaging in an invasion of the Mahratta Government had totally failed, did then pretend to give credit to, and to be greatly alarmed by the suggestions of the President and Council of Bombay, that the Mahrattas were negotiating with the French, and had agreed to give them the Port of Choul, on the Malabar Coast, (*m*) and did affirm that the French *had obtained possession of that Port*: all which suggestions and assertions were false; and, if they had been true, would have furnished no just occasion for attacking either the Mahrattas or the French, with both of whom the British nation was then at peace. (*n*)

VI.

That the said Warren Hastings did then propose and carry the following resolution, in Council, against the protest of two Members thereof, that, “For the purpose of granting you [the Presidency of Bombay] the most effectual support in our power, we have resolved to assemble a strong military force near Calpee, the commanding officer of which is to be ordered to march, by the most practicable route, to Bombay, or to such other place as future occurrences, and your directions to him, may render it expedient.” And with respect to the *steps* said to be taking *by the French to obtain a settlement on the Malabar coast*, the said Warren Hastings did declare to the Presidency of Bombay, (*o*) “that it was the opinion of the Governor General and Council that no time ought to be lost in forming and carrying into execution such measures as might most effectually tend to frustrate such dangerous designs:”—

(*m*) No. 35, 41.(*n*) 23d Feb. 1778. No. 35.(*o*) No. 35.

That the said Warren Hastings therefore, instead of fixing his attention to the preservation of peace throughout India, as it was his duty to have done, did continue to abet, encourage, and support the dangerous projects of the Presidency of Bombay, and did thereby manifest a determined intention to disturb the peace of India, by the unfortunate success of which intention, and by the continued efforts of the said Hastings, the greatest part of India has been for several years involved in a bloody and calamitous war.

VII.

That both the Court of Directors and Court of Proprietors did specially instruct the said Warren Hastings, in all his measures, (p) "to make the safety and prosperity of Bengal his principal object," and did heavily censure the said Warren Hastings for having employed their troops at a great distance from Bengal, in a war against the Rohillas, which the House of Commons have pronounced to be *iniquitous* (q) and did on that occasion expressly declare, "That they disapproved of all such distant expeditions, as might eventually carry their forces to any situation too remote to admit of their speedy and safe return to the protection of their own provinces, in case of emergency." That the said Warren Hastings nevertheless ordered a detachment from the Bengal army to cross the Jumna, and to proceed across the peninsula, by a circuitous route, through the diamond country of Bundle Cund, and through the dominions of the Rajah of Berar, situated in the center of Hindostan, and did thereby strip the provinces subject to the government of Fort William of a considerable part of their established defence, and did thereby disobey the general instructions, and positive orders of the Court of Directors (given upon occasion of a crime of the same nature committed by the said Hastings) and was guilty of a high crime and misdemeanor.

(p) 31st March 1774.

(q) 28th May 1782. 15th Dec. 1775.

VIII. That

VIII.

That the said Warren Hastings, having taken the measures hereinbefore described for supporting those of the Presidency of Bombay, did, on the 23d of March 1778, "invest the said Presidency with authority to "form a new alliance with Ragoba, and to engage "with him in *any* scheme which they should deem expedient and safe for retrieving his affairs." (r) That the said Hastings was then in possession of a letter from the Court of Directors, dated the 4th of July 1777, containing a positive order to the Presidency of Bombay, in the following words: (s) "Though "that treaty [meaning the treaty of Poorundur] is not, "upon the whole, so agreeable to us as we could wish, "still we are resolved strictly to adhere to it on our "parts. You must therefore be particularly vigilant, "while Ragoba is with you, to prevent him from "forming any plan against what is called the ministerial party at Poona; and we hereby positively order "you not to engage with him in any scheme whatever "in retrieving his affairs, without the consent of the "Governor General and Council, or the Court of Directors." That the said Ragoba neither did or could form any plan for his Restoration, but what was and must be against the ministerial party at Poona; who held and exercised the regency of that state in the infancy of the Peshwa; and that, supposing him to have formed any other *scheme*, in conjunction with Bombay, *for retrieving his affairs*, the said Hastings, in giving a previous *general* authority to the Presidency of Bombay to engage with Ragoba in *any* scheme for that purpose, without knowing what such scheme might be, and thereby relinquishing and transferring to the discretion of a subordinate government, that superintendence and controul over all measures tending to create or provoke a war, which the law had exclusively vested in the Governor General and Council, was guilty of a high crime and misdemeanor.

(r) No. 39.

(s) Do. Parag. 65.

IX.

That the said Warren Hastings, having first declared that the measures taken by him were for the support of the engagements made by the Presidency of Bombay, in favour of Ragoba, did afterwards, when it appeared that those negotiations were *entirely laid aside*, declare (t) that his apprehension of the consequence of a pretended *intrigue* between the Mahrattas and the French, (u) *was the sole motives of all the late measures taken for the support of the Presidency of Bombay*; but that neither of the preceding declarations contained the true motives and objects of the said Hastings, whose real purpose, as it appeared soon after, (x) was to make use of the superiority of the British power in India, to carry on offensive wars, and to pursue schemes of conquest, impolitic and unjust in their design, ill-concerted in the execution, and which, as the House has resolved, (y) *have brought great calamities on India, and enormous expences on the East India Company.*

X.

That the said Warren Hastings, on the 22d of June 1778, made the following declaration in Council: (z)
 “ Much less can I agree that, with such superior advantages, as we possess over every power that dare oppose us, we should act *merely on the defensive*. On the contrary, if it be really true that the British arms and influence have suffered so severe a check in the western world, it is more incumbent on those, who are charged with the interests of Great Britain in the East, *to exert themselves for the retrieval of the national loss*. We have the means in our power, and, if they are not frustrated by our own dissensions, I trust that the event of this expedition will yield every advantage, *for the attainment of which it was undertaken*.”
 That, in pursuance of the principles avowed in the pre-

(t) 2d Feb. 1778. (u) No. 43. (x) 23d May 1778. No. 39.
 (y) 8th May 1782. (z) No. 64.

ceding declaration, the said Warren Hastings, on the 9th of July 1778, (a) did propose, and carry it in Council, that an embassy should be sent from Bengal to Moodajee Boosla, the Rajah of Berar, falsely asserting, that the said Rajah "was, by interest and inclination, likely to join in an alliance with the British Government; and suggesting that two advantages might be offered to him, as the inducements to it; First, the support of his pretensions to the sovereign power [viz. of the Maratta Empire;] Second, the recovery of the captives made in his dominions by "Nizam Ally."

XI.

That the said Hastings, having already given full authority to the Presidency of Bombay to engage the British faith to Ragonaut Row, to support him in *his* Pretensions to the government or to the regency of the Maratta empire, was guilty of a high crime and misdemeanor, in proposing to engage the same British faith to support the pretensions of another competitor for the same object; and that in offering to assist the Rajah of Berar to recover the captures made on his dominions by the Nizam, the said Hastings did endeavour, as far as depended on him, to engage the British nation in a most unjust and utterly unprovoked war against the said Nizam, between whom and the East India Company a treaty of peace and friendship did then subsist, unviolated on his part; notwithstanding the said Hastings well knew that it made part of the East India Company's fundamental policy to support that Prince against the Marattas, and to (b) *consider him as one of the few remaining chiefs who were yet capable of coping with the Marattas*, and that it was the Company's true interest to preserve a good understanding with him.

XII.

That, by holding out such offers to the Rajah of Berar, the said Hastings professed to hope that the Rajah would ardently catch at the objects presented to his am-

(a) No. 68.

(b) Gen. Letter, 30th June 1769.

bition; (c) and although the said Hastings did about this time lay it down as a maxim, that *there is always a greater advantage in receiving solicitations than in making advances*, (d) he nevertheless declared to the said Rajah, that *in the whole of his conduct he had departed from the common line of policy, and had made advances where others, in his situation, (e) would have waited for solicitation*; that the said unjust and dangerous projects did not take effect, because the Rajah of Berar refused to join or be concerned therein; yet so earnest was the said Hastings for the execution of those projects, that, in a subsequent letter (f) he daringly and treacherously assured the Rajah, "that, if he had accepted of the terms offered him by Colonel Goddard, and concluded a treaty with the Government of Bengal upon them, he should have held the obligation of it superior to that of any engagement formed by the Government of Bombay, and should have thought it his duty to maintain it, &c. against every consideration, *even of the most valuable interests and safety of the English possessions entrusted to his charge.*"

XIII.

That all the offers of the said Hastings were rejected with slight and contempt by the Rajah of Berar; but the same being discovered and generally known throughout India, did fill the chief of the Princes and States of India with a general suspicion and distrust of the ambitious designs and treacherous principles of the British Government; and with an universal hatred of the British nation; that the said Princes and States were thereby thoroughly convinced of the necessity of uniting amongst themselves to oppose a power which kept no faith with any of them, and equally threatened them all, that, renouncing all former enmities against each other, they united in a common confederacy against the English; viz. the Peshwa, as representative of the

(c) 23d Nov. 1778. No. 153. (d) 7th Oct. 1778. No. 144.
 (e) 23d Nov. 1778. No. 153. (f) 9th Feb. 1779. No. 173.

Maratta State, and Moodajee Boosla, the Rajah of Berar, that is, the principal Hindoo powers of India, on one side; and Hyder Ally, and the Nizam of the Decan, that is, the principal Mahomedan powers of India, on the other; and that in consequence of this confederacy Hyder Ally invaded, over-ran, and ruined the Carnatic; and that Moodajee Boosla, instead of *are dently catching at the objects presented to his ambition* by the said Hastings, sent an army to the frontiers of Bengal which army the said Warren Hastings was at length forced to buy off with twenty-six lacks of rupees, or £. 300,000 sterling (*g*) after a series of negotiations with the Maratta Chiefs who commanded that army, founded and conducted on principles so dishonourable to the British name and character, that the Secret Committee of the House of Commons, (*b*) by whom the rest of the proceedings in that business was reported to the House, (*i*) *have, upon due consideration, thought it proper to leave out the letter of instructions to Mr. Anderson, viz. those given by the said Warren Hastings to the representative of the British Government; and concerning which the said Committee have reported in the following terms: (k) "The schemes of policy by which "the Governor General seems to have dictated the instructions he gave to Mr. Anderson [the gentleman deputed] will also appear in this document, as well "respecting the particular succession to the Rauje, as "also the mode of accommodating the demand of Chout, "the establishment of which was apparently the great "aim of Moodajee's political manœuvres, while the "Governor General's wish to defeat it was avowedly "more intent on the removal of a nominal disgrace, "than on the anxiety and resolution to be freed from "an expensive, if an unavoidable incumbrance."*

XIV.

That while the said Warren Hastings was endeavouring to persuade the Rajah of Berar to engage with

(*g*) 6th Report, Page 120.

(*b*) January and Feb. 1781.

(*i*) No. 365.

(*k*) 6th Report, Page 119.

him in a scheme to place the said Rajah at the head of the Mahratta Empire, the Presidency of Bombay, by virtue of the powers specially vested in them for that purpose by the said Hastings, did really engage with Ragonaut Row, the other competitor for the same object, and sent a great part of their military force established for the defence of Bombay, on an expedition with Ragonaut Row, (l) to invade the dominions of the Peshwa and to take Poona, the capital thereof; that this Army being surrounded and overpowered by the Mahrattas was obliged to capitulate; (m) and then, through the moderation of the Mahrattas, was permitted to return quietly, but *very disgracefully*, to Bombay.

XV.

That supposing the said Warren Hastings could have been justified in abandoning the project of reinstating Ragonaut Row, which he at first authorized, and promised to support, and in preferring a scheme to place the Rajah of Berar at the head of the Mahratta Empire, he was bound by his duty, as well as in justice to the Presidency of Bombay, to give that Presidency timely notice of such his intention, and to have restrained them positively from resuming their own project: that, on the contrary, the said Warren Hastings did, on the 17th of August 1778, (n) again *authorize* the said Presidency "to assist Ragoba with a military force to conduct him to Poona, and to establish him in the *re-*gency there;" and, so far from communicating his change of plan to Bombay, did keep it concealed from that Presidency; insomuch that even so late as the 19th of February 1779, William Hornby, then Governor of Bombay, declared in Council his total ignorance of the schemes of the said Hastings, in the following terms; (o) "the schemes of the Governor General and Council, with regard to the Rajah of Berar, *being yet unknown*

(l) November 1778.

(m) 16 January 1779. App. 130.

(n) Ditto 85.

(o) App. 134.

“ to us, it is impossible for us to found any measures
 “ on them; yet I cannot help now observing, that if,
 “ as has been conjectured, the gentlemen of that Pre-
 “ sidency have entertained thoughts of restoring in his
 “ person, the ancient Rajah Government, the attempt
 “ seems likely to be attended with no small difficul-
 “ ty.”

XVI.

That whereas the said Warren Hastings did repeatedly affirm, that it was his intention to support the plan formed by the Presidency of Bombay in favour of Ragoba, and did repeatedly authorize and encourage them to pursue it, he did, nevertheless, at the same time, in his letters and declarations to the Peshwa, to the Nizam, and to the Rajah of Berar, falsely and perfidiously affirm, *(p)* that it never was nor is designed by the English chiefs to give support to Ragonaut Row; that he, Hastings, had no idea of supporting Ragonaut Row; and that the detachment he had sent to Bombay was solely to awe the French, without the least design to assist Ragonaut Row: that, supposing it to have been the sole *professed* intention of the said Hastings, in sending an army across India to protect Bombay against a French invasion, even that pretence was false, and used only to cover the real design of the said Hastings; viz. To engage in projects of war and conquest with the Rajah of Berar. That on the 11th of October 1778, he informed the said Rajah *(q)* “ that the detachment would soon arrive
 “ in his territories, and depend on him Moodajee Boosla, for its subsequent operations:” that on the 7th of December 1778, *(r)* the said Hastings revoked the powers he had before given *(s)* to the Presidency of Bombay, over the detachment, declaring, that the event of Colonel Goddard’s negociation with the Rajah of Berar *was likely to cause a very speedy and essential change in*

(p) Vide Letter from Moodajee Boosla, dated 5th Dec. 1778. Appendix, No. 165.

(q) No. 145. *(r)* No. 157. *(s)* On the 15th of Nov.

the design and operations of the detachment ; and that, on the 4th of March 1779, (1) the said Hastings, immediately after receiving advice of the defeat of the Bombay army near Poona, and when Bombay, if at any time, particularly required to be protected against a French invasion, did declare in Council, that he wished for the return of the detachment to Berar, and dreaded to hear of its proceeding to the Malabar Coast ; and therefore, if the said Hastings did not think that Bombay was in danger of being attacked by the French, he was guilty of repeated falsehoods in affirming the contrary, for the purpose of covering a criminal design ; or, if he thought that Bombay was immediately threatened with that danger, he then was guilty of treachery, in ordering an army, necessary on that supposition, to the immediate defence of Bombay, to halt in Berar, to depend on the Rajah of Berar for its subsequent operations, or on the event of a negotiation with that Prince, which, as the said Hastings declared, was likely to cause a very speedy and essential change in the design and operations of the detachment ; and finally in declaring that he dreaded to hear of the said detachment's proceeding to the Malabar coast, whither he ought to have ordered it to proceed without delay, if, as he has solemnly affirmed, it was true that he had been told, by the highest authority, that a powerful armament had been prepared in France, the first object of which was an attack upon Bombay ; and that he knew, with moral certainty, that all the powers of the adjacent continent were ready to join the invasion.

XVII.

That through the whole of these transactions, the said Warren Hastings has been guilty of continued falsehood, fraud, contradiction, and duplicity, highly dishonourable to the character of the British nation ; that in consequence of the unjust and ill-concerted schemes of the said Hastings, the British arms, heretofore respected in India, have suffered repeated dis-

(1) No. 182.

(2) 12 October 1778, No. 146.

graces,

graces, and great calamities have been thereby brought upon India; and that the said Warren Hastings, as well in exciting and promoting the late unprovoked and unjustifiable war against the Mahrattas, as in the conduct thereof, has been guilty of sundry high crimes and misdemeanors.

XVIII.

That by the definitive treaty of peace concluded with the Mahrattas at Poorunder on the 1st of March 1776, (x) the Marattas gave up all right and title to the island of Salfette, unjustly taken from them by the Presidency of Bombay; did also give up to the English Company for every all right and title to their entire shares of the city and Pergunna of Broach; did also give for ever to the English Company a country of three lacks of rupees revenue, near to Broach; and did also agree to pay to the Company twelve lacks of rupees, in part of the expences of the English army; and that the terms of the said treaty (y) *were honourable and advantageous to the India Company.*

XIX.

That Warren Hastings having broken the said treaty, and forced the Marattas into another war, by a repeated invasion of their country, and having conducted that war in the manner herein-before described, did, on the 17th of May 1782, by the agency of Mr. David Anderson, conclude another treaty of perpetual friendship and alliance with the Marattas, by which the said Hastings agreed to deliver up to them all the countries, places, cities, and forts, particularly the island of Bassein (taken from the Peshwa, during the war) and to relinquish all claim to the country of three lacks of rupees, ceded to the Company by the treaty of Poorunder: And the said Warren Hastings did also, at the same time, by a private and separate agreement, deliver

(x) Ap. to 5th Rep. Secret Committee. No. 116.

(y) Resolution of the House of Commons. 28 May 1782.

up to Madajee Scindia the whole of the city of Broach; that is, not only the share in the said city which the India Company acquired by the treaty of Poorunder, but the other share thereof, which the India Company possessed for several years before that treaty; and that, among the reasons assigned by Mr. David Anderson for totally stripping the Presidency of Bombay of all their possessions on the Malabar Coast, he has declared that (z) "from the general tenor of
 "the *rest* of the treaty, the settlement of Bombay
 "would be in future put on such a footing, that it
 "might well become a question whether the possession
 "of an inconsiderable territory, without forts, would
 "not be attended with more loss than advantage, as
 "it must necessarily occasion considerable expence,
 "must require troops for its defence, and might probably in the end lead, as Scindia apprehended, to
 "a renewal of war."

XX.

That the said Warren Hastings having in this manner put an end to a war commenced by him without provocation, and continued by him without necessity, and having for that purpose made so many sacrifices to the Marattas, in points of essential interest to the India Company, did consent and agree to other articles utterly dishonourable to the British name and character, having sacrificed or abandoned every one of the native princes, who by *his* solicitations and promises had been engaged to take part with us in the war; and that he did so without necessity, since it appears that Scindia; the Maratta Chief who concluded the treaty, *in every part of his conduct manifested a hearty desire of establishing a peace with us*; and that this was the disposition of all the parties in the Maratta confederacy, who were only kept together by a general dread of their common enemy, the English, and who only waited for a cessation of hostilities with us to return to their habitual and permanent enmity against each other.

(z) 17 May 1780.

XXI. That

XXI.

That the Governor General and Council, in their letter of 31st August 1781, made the following declaration to the Court of Directors: "The Mahrattas have demanded the sacrifice of the person of Ragonaut Row, the surrender of the fort and territories of Ahmedabad, and of the fortress of Gualior, *which are not ours to give, and which we could not wrest from the proprietors, without the greatest violation of public faith.* No state of affairs, in our opinions, could warrant our acquiescence to such requisition; and we are morally certain, that had we yielded to them, such a consciousness of the state of our affairs would have been implied, as would have produced an effect the very reverse from that for which it was intended, by raising the presumption of the enemy to exact yet more *ignominious* terms, or perhaps their refusal to accept of any; nor, in our opinion, would they have failed to excite in others the same belief, and the consequent decision of all parties against us, as the natural consequences of our decline." That the said Hastings himself, in his instructions to Mr. David Anderson, after authorizing him to restore *all* that we had conquered during the war, expressly "*accepted* Ahmedabad, and the territory conquered for Futtu Sing Gwicowar." That nevertheless the said Hastings, in the peace concluded by him, has yielded to every one of the conditions reprobated in the preceding declarations, as *ignominious*, and incompatible with public faith.

XXII.

That the said Warren Hastings did abandon the Rana of Gohud, in the manner already charged; and that the said Rana has not only lost the Fort of Gualior, but all his own country, and is himself a prisoner.—

XXIII. That

XXIII.

That the said Hastings did not interpose to obtain any terms in favour of the Nabob of Bopaul, who was (a) *with great reason desirous of concealing from the Mahrattas the attachment he had borne to the English government*; the said Nabob having a just dread of the danger of being exposed to the resentment of the Mahrattas, and no dependence on the faith and protection of the English.

XXIV.

That by the 9th article of the treaty with Futtý Sing, it was stipulated, that when a negociation for peace should take place, his interest should be primarily considered; and that Mr. David Anderson, the Minister and representative of the Governor General and Council, did declare to Scindia, that it was indispensably incumbent on us to support Futtý Sing's rights. That nevertheless every acquisition made for or by the said Futtý Sing, during the war, particularly *the fort and territories of Ahmedabad*, were given up by the said Hastings: That Futtý Sing was replaced under the subjection of the Peshwa (whose resentment he had provoked by taking part with us in the war) and under an obligation to pay a tribute, not specified, to the Peshwa, and to perform such services, and to be subject to such obedience, *as had long been established and customary*; and that, no limit being fixed to such tribute or services, the said Futtý Sing has been left wholly at the mercy of the Mahrattas.

XXV.

That with respect to Ragoba, the said Hastings, in his instructions to Mr. Anderson, dated 4th November 1781, contented himself with saying, "we cannot *totally* abandon the interests of Ragonaut Row. Endeavour to obtain for him an adequate provision."

(a) Anderson's letter of 26th January 1782.

That

That Mr. Anderson declared to Madajee Scindia, (b)
 “ that as we had given Ragoba protection as an independent prince, and not brought him into our
 “ settlement as a prisoner, we could not *in honour* pretend to impose the *smallest* restraint on his will, and
 “ he must be at liberty to go wherever he pleased;
 “ that it must rest with Scindia himself to prevail on
 “ him to reside in his country; all that we could do
 “ was to *agree*, after a reasonable time, to *withdraw*
 “ *our protection from him, and not to insist on the payment*
 “ *of the stipend to him*, as Scindia had proposed, unless
 “ on the condition of his residing in some part of
 “ Scindia’s territories.”

XXVI.

That, notwithstanding all the preceding declarations, and in violation of the public faith repeatedly pledged to Ragoba, he was totally abandoned by the said Hastings in the treaty, no provision whatever being made even for his subsistence, but on a condition to which he could not submit, without the certain loss of his liberty, and probable hazard of his life; namely, *that he should voluntarily, and of his own accord, repair to Scindia, and quietly reside with him.* That such treacherous desertion of the said Ragoba is not capable of being justified by any plea of necessity; but that in fact no such necessity existed; since it appears that the Nizam, who, of all the contracting parties in the confederacy, was personally most hostile to Ragoba, did himself (c) *propose that Ragoba might have an option given him of residing within the Company’s territories.*

XXVII.

That the plan of negotiating a peace with the Mahrattas, by application to Scindia, and through his mediation, was earnestly recommended to the said

(b) Anderson’s letter of 24th February 1782.

(c) Vide Mr. Holland’s letter of 1st Nov. 1782, to the Governor General and Council.

Hastings by the Presidency of Bombay, so early as in February 1779, who stated clearly to him the reasons why such application ought to be made to Scindia, in preference to any other of the Mahratta chiefs, and why it would probably be successful; the truth and justice of which reasons were fully evinced in the issue, when the said Hastings, after incurring, by two years delay, all the losses and distresses of a calamitous war, did actually pursue that very plan with much less effect or advantage than might have been obtained at the time the advice was given. That he neglected the advice of the Presidency of Bombay, and retarded the peace, as well as made its conditions worse, from an obstinate attachment to his project of an alliance offensive and defensive with the Raja of Berar, the object of which was rather a new war, than a termination of the war then existing against the Peshwa.

XXVIII.

That the said Hastings did farther embarrass and retard the conclusion of a peace, by employing different Ministers at the Courts of the several confederate powers, whom he severally empowered to treat and negotiate a peace.—That these Ministers not acting in concert, not knowing the extent of each others commissions, and having no instructions to communicate their respective proceedings to each other, did in effect counteract their several negotiations.—That this want of concert and of simplicity, and the mystery and intricacy in the mode of conducting the negotiation on our part, was complained of by our Ministers as embarrassing and disconcerting to us, (*d*) while it was advantageous to the adverse party, who were thereby furnished with opportunity and pretence for delay, when it suited their purpose; and enabled to play off one set of negotiators against another: That it also created jealousy and distrust in the various contending parties, with whom we were treating at the same time, and to

(*d*) Vide Captain Watherstone's letter of 20th January 1782. Mr. Anderson's letter of 13th February 1782.

whom

whom we were obliged to make contradictory professions, while it betrayed and exposed to them all our own eagerness and impatience for peace; raising thereby the general claims and pretensions of the enemy.

XXIX.

That while Dalhousie Watherston, Esquire, was treating at Poonah, and David Anderson, Esquire, in Scindia's camp, with separate powers applied to the same object, the minister at Poonah informed the said Watherston, that he had received proposals for peace from the Nabob of Arcot, with the approbation of Sir Eyre Coote; that he returned other proposals to the said Nabob of Arcot, who had assured him (the minister) that those proposals *would be acceded to, and that Mr. Macpherson would set out for Bengdl, after which orders should be immediately dispatched from the Honourable the Governor General and Council to the effect he wished.* That the said Nabob "had promised to obtain and forward to him the expected orders from Bengal in fifteen days, and that he was therefore every instant in expectation of their arrival; and observed that, when General Goddard proposed to send a confidential person to Poonah, he conceived that those orders must have actually reached him:" That therefore the treaty, formally concluded by David Anderson, was in effect and substance the same with that offered, and in reality concluded by the Nabob of Arcot, with the exception only of Salsette, which the Nabob of Arcot had agreed to restore to the Marattas.

XXX.

That the intention of the said Warren Hastings, in pressing for a peace with the Marattas, on terms so dishonourable, and by measures so rash and ill-concerted, was not to restore and establish a general peace throughout India, but to engage the India Company in a new war against Hyder Ally, and to make the Marattas parties therein. That the eagerness and passion with

which the said Hastings pursued this object, laid him open to the Marattas, who depended thereon for obtaining whatever they should demand from us.—That in order to carry the point of an offensive alliance against Hyder Ally, the said Hastings exposed the negotiation for peace with the Marattas to many difficulties and delays. That the Marattas were bound by a clear and recent engagement, which Hyder had never violated in any article, to make no peace with us which should not include him; that they pleaded the sacred nature of this obligation in answer to all our requisitions on this head, while the said Hastings, still importunate for his favourite point, suggested to them various means of reconciling a substantial breach of their engagement with a formal observance of it, and taught them how they might at once be parties in a peace with Hyder Ally, and in an offensive alliance for immediate hostility against him. That these lessons of public duplicity and artifice, and these devices of ostensible faith and real treachery, could have no effect but to degrade the national character, and to inspire the Marattas themselves, with whom we were in treaty, with a distrust in our sincerity and good faith.

XXXI.

That the object of this fraudulent policy, (viz. the utter destruction of Hyder Ally, and a partition of his dominions) was neither wise in itself, or authorized by the orders and instructions of the Company to their servants; that it was incompatible with the treaty of peace, in which Hyder Ally was included, and contrary to the repeated and best understood injunctions of the Company; being in the first place a bargain for a new war, and in the next, aiming at an extension of our territory by conquest. That the best and soundest political opinions, on the relations of these states, have always represented our great security against the power of the Marattas to depend on its being balanced by that of Hyder Ally; and the Mysore country is so placed as a barrier between the Carnatic and the Marattas,

rattas, as to make it our interest rather to strengthen and repair that barrier, than to level and destroy it. That the said treaty of partition does express itself to be *eventual* with regard to the making and keeping of peace; but through the whole course of the said Hastings's proceeding, he did endeavour to prevent any peace with the Sultan or Nabob of Mysore, Tippu Saheb, and did for a long time endeavour to frustrate all the methods which could have rendered the said treaty of conquest and partition wholly unnecessary.

XXXII.

That the Marattas having taken no effectual step to oblige Hyder Ally to make good the conditions for which they had engaged in his behalf, and the war continuing to be carried on in the Carnatic by Tippoo Sultan, son and successor to Hyder Ally, the Presidency of Fort St. George undertook, upon their own authority, to open a negotiation with the said Tippoo; (e) which measure, though indispensably necessary, the said Hastings utterly disapproved and discountenanced, expressly denying that there was any ground or motive for entering into any direct or separate treaty with Tippoo; and not consenting to or authorizing any negotiation for such treaty, until after a cessation of hostilities had been brought about with him by the Presidency of Fort St. George, in August 1773, and the ministers of Tippoo had been received and treated with by that Presidency, and commissioners, in return, actually sent by the said Presidency to the Court of Poonah; which late and reluctant consent and authority were extorted from him, the said Hastings, in consequence of the acknowledgment of his agent at the Court of Madajee Scindia (upon whom the said Warren Hastings had depended for enforcing the clauses of the Maratta treaty) of the precariousness of such dependence, and of the necessity of that direct and se-

(e) Letter to Fort St. George, 24th March 1783.

parate treaty with Tippoo, so long and so lately reprobated by the Warren Hastings, notwithstanding the information and intreaties of the Presidency of Fort St. George, as well as the known distresses and critical situation of the Company's affairs.

XXXIII.

That, though the said Warren Hastings did at length give instructions for negotiating and making peace with Tippoo; expressly adding, that those instructions extended to *all* the points which occurred to *him or them* as capable of being agitated or gained upon the occasion—though the said instructions were sent after the said commissioners by the Presidency of Fort St. George, with direction to obey them;—tho' not only the said instructions were obeyed, but advantages gained which did not occur to the said Warren Hastings;—though the said peace formed a contrast with the Maratta peace, in neither ceding any territory possessed by the Company before the war, or delivering up any dependant or ally to the vengeance of his adversaries, but providing for the restoration of all the countries that had been taken from the Company and their allies;—though the Supreme Council of Calcutta, forming the legal Government of Bengal in the absence of the said Warren Hastings, ratified the said treaty: Yet the said Warren Hastings, then absent from the seat of government, and out of the province of Bengal, and forming no legal or integral part of the government during such absence, did, after such ratification, usurp the power of acting as a part of such government (as if actually sitting in council with the other members of the same) in the consideration and unqualified censure of the terms of the said peace.

XXXIV.

That the Nabob of Arcot, with whom the said Hastings did keep up an unwarrantable, clandestine
corres-

correspondence, without any communication with the Presidency of Madras, wrote a letter of complaint, dated the 27th of March 1784, against the Presidency of that place, without any communication thereof to the said Presidency, the said complaint being addressed to the said Warren Hastings, the substance of which complaint was, that he (the Nabob) had not been made a party to the late treaty: And although his interest had been sufficiently provided for in the said treaty, the said Warren Hastings did sign a declaration on the 23d of May, at Lucknow, forming the basis of a new article, and making a new party to the treaty, after it had been, by all parties (the Supreme Council of Calcutta included) completed and ratified, and did transmit the said new stipulation to the Presidency at Calcutta, solely for the purposes, and at the instigation of the Nabob of Arcot; and the said declaration was made without any previous communication with the Presidency aforesaid, and in consequence thereof orders were sent by the Council at Calcutta to the Presidency of Fort St. George, *under the severest threats in case of disobedience*; which orders, whatever were their purport, would, as an undue assumption of, and participation in, the government from which he was absent, become a high misdemeanor; but, being to the purport of opening the said treaty, after its solemn ratification, and proposing a new clause and a new party to the same, was also an aggravation of such misdemeanor, as it tended to convey to the Indian powers an idea of the unsteadiness of the councils and determinations of the British Government, and to take away all reliance on its engagements, and as, above all, it exposed the affairs of the nation and the Company to the hazard of seeing renewed all the calamities of war, from whence, by the conclusion of the treaty, they had emerged, and upon a pretence so weak as that of proposing the Nabob of Arcot to be a party to the same—though he had not been made a party by the said Warren Hastings in the Maratta treaty, which professed to be for the relief of the Cranatic;—though he was not a party to the former treaty with Hyder, also
relative

relative to the Carnatic;—though it was not certain whether, if the treaty were once opened, and that even Tippoo should then consent to that Nabob's being a party, whether he, (the said Nabob) would agree to the clauses of the same, and consequently whether the said treaty, once opened, could afterwards be concluded—an uncertainty, of which he, the said Hastings, should have learned to be aware, having already once been disappointed by the said Nabob's refusing to accede to a treaty which he, the said Warren Hastings made for him with the Dutch about a year before.

XXXV.

That the said Warren Hastings having broken a solemn and honourable treaty of peace, by an unjust and unprovoked war; having neglected to conclude that war, when he might have done it without loss of honour to the nation; having plotted and contrived, as far as depended on him, to engage the India Company in another war, as soon as the former should be concluded; and having at last put an end to a most unjust war against the Marattas by a most ignominious peace with them, in which he sacrificed objects essential to the interests, and submitted to conditions utterly incompatible with the honour of this nation, and with his own declared sense of the dishonourable nature of those conditions; and having endeavoured to open anew the treaty concluded with Tippoo Sultan, through the means of the Presidency of Fort St. George, upon principles of justice and honour, and which established peace in India; and thereby exposing the British possessions there to the renewal of the dangers and calamities of war—has, by these several acts, been guilty of sundry high crimes and misdemeanors.

No. XXI.

CORRESPONDENCE.

I.

THAT by an Act of the 13th Year of His present Majesty, intituled, "An Act for establishing certain regulations for the better management of the affairs of the East India Company, as well in India as in Europe." * "The Governor General and Council are required and directed to pay due obedience to all such orders as they shall receive from the Court of Directors of the said United Company, and to correspond from time to time, and constantly and diligently transmit to the said Court, an exact particular of all advices or intelligence, and of all transactions and matters whatsoever that shall come to their knowledge, relating to the government, commerce, revenues, or interest of the said United Company."

II.

That in consequence of the above-recited Act, the Court of Directors, in their general instructions of the 29th March 1774, to the Governor General and Council, did direct, † "That the correspondence with the princes or country powers in India, should be carried on through the Governor General only; but that all letters to be sent by him should be first approved in Council, and that he should lay before the Council, at their next meeting, all letters re-

* Cap. 63. Sec. 9. † A p. 9. Rep. No. 1. Par. 2.

“ ceived by him in the course of such correspondence,
 “ for their information.”

And the Governor General and Council were therein further ordered, * “ That, in transacting the business
 “ of their department, they should enter, with the utmost
 “ most perspicuity and exactness, all their proceedings
 “ whatsoever; and all dissents, if such should at any
 “ time be made by any Member of their Board, together
 “ with all letters sent or received in the course
 “ of their correspondence; and that broken sets of
 “ such proceedings, to the latest period possible, be
 “ transmitted to them (the Court of Directors) a complete
 “ set at the end of every year, and a duplicate
 “ by the next conveyance.”

III.

That in defiance of the said orders, and in breach of the above-recited Act of Parliament, the said Warren Hastings has, in sundry instances, concealed from his Council the correspondence carried on between him and the princes or country powers in India, and neglected to communicate the advices and intelligence he from time to time received from the British residents at the different Courts in India to the other Members of the government; and without their knowledge, counsel, or participation, has dispatched orders on matters of the utmost consequence to the interests of the Company.

IV.

That moreover, the said Warren Hastings, for the purpose of covering his own improper and dangerous practices from his employers, has withheld from the Court of Directors, upon sundry occasions, copies of the proceedings had, and the correspondence carried on by him in his official capacity, as Governor General,

* Par. 37.

ral, whereby the Court of Directors have been kept in ignorance of matters which it highly imported them to know, and the affairs of the Company have been exposed to much inconvenience and injury.

V.

That in all such concealments and acts done or ordered without the consent and authority of the Supreme Council, the said Warren Hastings has been guilty of High Crimes and Misdemeanors.

In a few Days will be Published,

A N

AUTHENTIC COPY

O F T H E

DEFENCE MADE BY WARREN HASTINGS, Esq.

At the Bar of the House of Commons, on Monday the
1st of May, 1786; to the Charges brought by the
Right Hon. EDMUND BURKE.

Printed in the same Size and Manner as the Charges,
and proper to Bind with the same.

Printed for J. DEBRETT, opposite BURLINGTON-
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No. XXII.

Rights of Fyzoola Khan, &c. before the
Treaty of Lall-Dang.

I.

THAT the Nabob Fyzoola Khan, who now holds of the Vizier the territory of Rampore, Shawabad, and certain other districts dependent thereon¹; in the country of the Rohillas, is the second son of a prince, renowned in the history of Hindostan under the name of Ali Mohammed Khan, some time sovereign of all that part of Rohilcund, which is particularly distinguished by the appellation of the Kutteehr.

II.

That after the death of Ali Mohammed aforesaid, as Fyzoola Khan, together with his elder brother, was then a prisoner of war, at a place called Herat, “the Rohilla chiefs took possession of the ancient estates” of the captive princes; and the Nabob Fyzoola Khan was, from necessity, compelled to wave his hereditary rights for the inconsiderable districts of Rampore and Shawabad, then estimated to produce from six to eight lacks of annual revenue.

III.

That in 1774, on the invasion of Rohilcund by the armies of the Vizier Sujah ul Dowlah and the Com-

¹ Appendix to the 5th Report of the Secret Committee, No. 27, 28, 44, 45. Treaty of Lall-Dang.

² Fyzoola Khan's letter, 14th May, see No. 45.

pany, the Nabob Fyzoola Khan, "with some of his
 "people, was present at the decisive battle of St.
 "George's," where Hafiz Rhanet, the great leader of
 the Rohillas, and many others of their principal chiefs,
 were slain; but, escaping from the slaughter, Fyzoola
 Khan "made his retreat good towards the mountains,
 "with all his treasure." He there collected the scat-
 tered remains of his countrymen; and as he was the
 eldest surviving son of Ali Mohammed Khan, as, too,
 the most powerful obstacle to his pretensions was now
 removed, by the death of Hafiz, he seems at length to
 have been generally acknowledged, by his natural sub-
 jects, the undoubted heir of his father's authority.

IV.

That, "regarding the sacred *sincerity* and friendship
 "of the English, whose *goodness* and celebrity is every
 "where known, *who dispossesses no one*," the Nabob Fy-
 zoola Khan made early overtures for peace to Colonel
 Alexander Champion, Commander in Chief of the
 Company's forces in Bengal; that he did propose to
 the said Colonel Alexander Champion, in three let-
 ters*, received on the 14th, 24th, and 27th of May,
 to put himself under the protection either of the Com-
 pany or of the Vizier, through the mediation, and with
 the guarantee of the Company; and that he did offer
 "whatever was conferred upon him, to pay as much,
 "without damage or deficiency, as any other person
 "would agree to do;" stating at the same time his
 condition and pretensions hereinbefore recited, as facts
 "evident as the sun;" and appealing, in a forcible
 and awful manner, to the generosity and magnanimity
 of this nation, "by whose means he hoped in God
 "that he should receive justice;" and as "the person
 "who designed the war was no more;" as "in that he
 "was himself guiltless;" and as "he had never act-
 "ed in such a manner, as for the Vizier to have taken

* Colonel Champion's letter, 16th May 1774.

† See Colonel Champion's Vindication, No. 45.

"hatred

“ hatred to his heart against him ; that he might be
 “ re-instated in his ancient possessions, the country of
 “ his father.”

V.

That on the last of the three dates above mentioned, that is to say, on the 27th of May, the Nabob Fyzoola Khan did also send to the Commander in Chief a vakeel or ambassador, who was authorized on the part of him (the Nabob Fyzoola Khan, his master), to make a specific offer of three propositions ; and that by one of the said propositions “ an annual increase
 “ of near 400,000l. would have accrued to the revenues of our ally, and the immediate acquisition of
 “ above 300,000l. to the Company, for their influence
 “ in effecting an accommodation perfectly consistent
 “ with their engagements to the Vizier ;” and strictly consonant to the demands of justice.

VI.

That so great was the confidence of the Nabob Fyzoola Khan in the just, humane, and liberal feelings of Englishmen, as to “ lull him into an inactivity” of the most essential detriment to his interests ; since, “ in
 “ the hopes which he entertained, from the interposition of our government,” he declined the invitation of the Mogul to join the arms of his majesty and the Marattas, “ refused any connection with the Seiks ;” and did even neglect to take the obvious precaution of crossing the Ganges, as he had originally intended, while the river was yet fordable ; a movement that would have enabled him certainly to baffle all pursuit, and probably “ to keep the Vizier in a state of dis-
 “ quietude for the remainder of his life.”

VII.

That the Commander in Chief, Colonel Alexander Champion aforesaid, “ thought nothing could be more

* See Colonel Champion's Vindication, No. 45.

“honourable to this nation than the support of so exalted a character; and whilst it could be done on terms so advantageous, supposed it very unlikely that the vakeel’s proposition should be received with indifference⁶ :” that he did accordingly refer it to the administration, through Warren Hastings, Esq, then Governor of Fort William, and President of Bengal; and he did at the same time enclose to the said Warren Hastings, a letter from the Nabob Fyzoola Khan to the said Hastings; which letter does not appear, but must be supposed to have been of the same tenor with those before cited to the Commander in Chief; of which also copies were sent to the said Hastings by the Commander in Chief; and he (the Commander in Chief aforesaid) after urging to the said Hastings sundry good and cogent arguments of policy and prudence, in favour of the Nabob Fyzoola Khan, did conclude by “wishing for nothing so much, as for the adoption of some measure that might strike all the powers of the East with admiration of our justice, in contrast to the conduct of the Vizier⁷.”

VIII.

That in answer to such laudable wish of the said Commander in Chief, the President (Warren Hastings) preferring his own prohibited plans of extended dominion to the mild, equitable and wise policy inculcated in the standing orders of his superiors, and now enforced by the recommendation of the Commander in Chief, did instruct and “desire” him⁸, the said Commander in Chief, “instead of soliciting the Vizier to “relinquish his conquest to Fyzoola Khan, to discourage it as much as was in his power⁹ ;” although the said Hastings did not once express, or even intimate, any doubt whatever of the Nabob Fyzoola

⁶ See Colonel Champion’s Vindication, No. 45.

⁷ Colonel Champion’s letter, 28th May. See Appendix ditto, No. 27.

⁸ Letter to Colonel Champion, 17th June. See *ibid*.

⁹ *Ibid*.

Khan’s

Khan's innocence as to the origin of the war, or of his hereditary right to the territories which he claimed; but to the said pleas of the Nabob Fyzoola Khan, as well as to the arguments both of policy and justice, advanced by the Commander in Chief, he, the said Hastings, did solely oppose certain speculative objects of imagined expediency; summing up his decided rejection of the proposals made by the Nabob Fyzoola Khan in the following remarkable words:

"With respect to Fyzoola Khan, he *appears not to merit our consideration. The petty sovereign of a country, estimated at six or eight lacks, ought not for a moment to prove an impediment to any of our measures, or to affect the consistency of our conduct*¹⁰."

IX.

That, in the aforesaid violent and arbitrary position, the said Warren Hastings did avow it to be a public principle of his government, that no right, however manifest, and no innocence, however unimpeached, could entitle the weak to our protection against others, or save them from our own active endeavours for their oppression, and even extirpation, should they interfere with our notions of political expediency: and that such a principle is highly derogatory to the justice and honour of the English name, and fundamentally injurious to our interests, inasmuch as it hath an immediate tendency to excite distrust, jealousy, fear and hatred against us among all the subordinate potentates of Hindostan.

X.

That in prosecution of the said despotic principle, the President (Warren Hastings aforesaid) did persist to obstruct, as far as in him lay, every advance towards an accommodation between the Vizier Sujah-ul Dow-

¹⁰ Letter to Colonel Champion, 17th June. See Appendix, No. 27.

lah, and the Nobob Fyzoola Khan ; and particularly on the 16th of September, only eight days after the said Hastings, in conjunction with the other members of the Select Committee of Bengal, had publicly testified his *satisfaction* in the prospect of an accommodation, and had *hoped* that " his Excellency (the Vizier) would be " disposed to conciliate the affections (of the Rohillas) " to his government, by *acceding to lenient terms* ¹¹ ;" he, the said Hastings, did nevertheless write, and, without the consent or knowledge of his colleagues, did privately dispatch a certain answer to a letter of the Commander in Chief : in which answer the said Hastings did express other *contradictory hopes*, namely, that the Commander in Chief *had resolved on prosecuting the war to a final issue*, " because (as the said Hastings explains himself) it appears very plainly that Fyzoola Khan, and his adherents, *lay at your mercy* ; because " I apprehended much inconveniency from delays ; " and because *I am morally certain that no good will be " gained by negotiating* ¹² " ;—thereby artfully suggesting his wishes of what might be in his hopes of what had been resolved ; and plainly, though indirectly, instigating the Commander in Chief to much effusion of blood in an immediate attack on the Rohillas, posted as they were, " in a very strong situation," and " combating for all ¹³."

XI.

That the said Hastings, in the answer aforesaid, did farther endeavour to inflame the Commander in Chief against the Nabob Fyzoola Khan, by representing the said Nabob as " highly presuming, insolent, and evasive ;" and knowing the distrust which the Nabob Fyzoola Khan entertained of the Vizier, the said Hastings did " expressly desire it should be left wholly to " the Vizier to treat with the enemy by *his own agents*,

¹¹ Letter to Colonel Champion, 8th Sept. See App. No. 27.

¹² Ibid. 16th Sept. See *ibid*.

¹³ Letter from Colonel Champion, 26th Aug. See *ibid*.

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“ and in *his own manner* ¹⁴;” though he, the said Hastings, “ by no means wished the Vizier to lose time by seeking an accommodation, since it would be more effectual, more decisive, and more *consistent with his dignity, indeed, with his honour, which he has already pledged*, to abide by his first offers to dictate the conditions of peace, and to admit only an acceptance without reservation, or a clear refusal from his adversary;” thereby affecting to hold up, in opposition to, and in exclusion of, the substantial claims of justice, certain ideal obligations of dignity and honour, that is to say, the gratification of pride, and the observance of an arrogant determination once declared.

XII.

That although the said answer did not reach the Commander in Chief until peace was actually concluded; and although the dangerous consequences to be apprehended from the said answer were thereby prevented, yet by the sentiments contained in the said answer, Warren Hastings, Esquire, did strongly evince his ultimate adherence to all the former violent and unjust principles of his conduct towards the Nabob Fyzoola Khan; which principles were disgraceful to the character, and injurious to the interests of this nation: and that the said Warren Hastings did thereby, in a particular manner, exclude himself from any share of credit for “ the honourable period put to the Rohilla war, which has in some degree done away the reproach so wantonly brought on the English name” ¹⁵.

¹⁴ Letter to Colonel Champion, 16th Sept. See App. No. 27.

¹⁵ Colonel Champion's Vindication. See App. to ditto. No. 43.

Rights of Fyzoola Khan, under the Treaty of Lall-Dang.

I.

THAT, notwithstanding the culpable and criminal reluctance of the President Hastings, hereinbefore recited, a treaty of peace and friendship between the Vizier Sujah ul Dowlah and the Nabob Fyzoola Khan, was finally signed and sealed, on the 7th of October 1774, at a place called Lall-Dang¹⁶, in the presence, and with the attestation, of the British Commander in Chief, Colonel Alexander Champion aforesaid; and that for the said treaty the Nabob Fyzoola Khan agreed to pay, and did actually pay, the valuable consideration of half his treasure, to the amount of fifteen lacks of rupees¹⁷ or 150,000l. sterling, and upwards.

II.

That by the said treaty, the Nabob Fyzoola Khan, was established in the quiet possession of Rampore, Shawabad, and "some other districts dependent thereon," subject to certain conditions, of which the more important were as follow;

"That Fyzoola Khan should retain in his service, five thousand *troops*, and not a single man more.

"That with whomsoever the Vizier should make
"war, Fyzoola Khan should send *two or three thousand*
"men according to his ability, to join the forces of the
"Vizier :

¹⁶ Colonel Champion's letter, 6th October. See Appendix to ditto, N^o 44.

¹⁷ Colonel Champion's Vindication. See Appendix to ditto, N^o 45.

"And

“ And that, if the Vizier should march in person,
 “ Fyzoola Khan should himself accompany him *with*
 “ *his troops* ¹¹.”

III.

That from the terms of the treaty above recited, it doth plainly, positively, and indisputably appear, that the Nabob Fyzoola Khan, in case of war, was not bound to furnish more than three thousand men under any construction, unless the Vizier should march in person.

IV.

That the Nabob Fyzoola Khan was not positively bound to furnish so many as three thousand men, but an indefinite number, not more than three, and not less than two thousand; that, of the precise number within such limitations, the ability of Fyzoola Khan, and not the discretion of the Vizier, was to be the standard; and that such ability could only mean, that which was equitably consistent not only with the external defence of his jaghire, but with the internal good management thereof both as to its police and revenue.

V.

That even in case the Vizier should march in person, it might be reasonably doubted, whether the personal service of the Nabob Fyzoola Khan “ with his “ troops,” must be understood to be, with *all* his troops, or only with the number before stipulated, not more than three, and not less than two thousand men; and that the latter is the interpretation finally adopted by Warren Hastings aforesaid and the Council of Bengal, who in a letter to the Court of Directors, dated April 5th, 1783, represent the clauses of the treaty relative to the stipulated aid as meaning simply, that Fyzoola Khan “ should send two or three thousand men to join

¹¹ Treaty of Lall-Dang, N^o 44.

“ the Vizier’s forces, or attend in person, in case it
“ should be requisite.”

VI.

That from the aforesaid terms of the treaty, it doth not specifically appear of what the stipulated aid should consist, whether of horse or foot, or in what proportion of both; but that it is the recorded opinion, maturely formed by the said Hastings and his Council, in January 1783, that even “ a single horseman
“ included in the aid which Fyzoola Khan might
“ furnish, would prove a literal compliance with the
“ stipulation.”

VII.

That, in the event of any doubt fairly arising from the terms of the treaty, the Nabob Fyzoola Khan; in consideration of his hereditary right to the whole country, and the price by him actually paid for the said treaty, was in equity entitled to the most favourable construction.

VIII.

That, from the attestation of Colonel Champion aforesaid, the Government of Calcutta acquired the same right to interpose with the Vizier for the protection of the Nabob Fyzoola Khan, as they the said Government had before claimed from a similar attestation of Sir Robert Barker, to assist the Vizier, in extirpating the whole nation of the said Fyzoola Khan; more especially, as in the case of Sir Robert Barker, it was contrary to the remonstrances of the then Administration, and the farthest from the intentions of the said Barker himself, that his attestation should involve the Company; but the attestation of Colonel Champion was authorized by all the powers of the Government, as a “ sanction” intended “ to add validity” to the treaty — That they the said government, and in particular the said Warren Hastings, as the first executive member of the same, were bound by the ties
of

of natural justice duly to exercise the aforesaid right, if need were; and that their duty so to interfere was more particularly enforced by the spirit of the censures past both by the Directors and Proprietors in the Rohilla war, and the satisfaction expressed by the Directors, "in the honourable end put to that war."

Guarantee of the Treaty of Lall-Dang.

I.

THAT during the life of the Vizier Sujah ul Dowlah, and for some time after his death, under his son and successor Asoph ul Dowlah, the Nabob Fyzoola Khan did remain without disturbance or molestation — That he did all the while imagine his treaty to be under the sanction of the Company, from Colonel Champion's affixing his signature thereto as a witness; "which signature, as he (Fyzoola Khan) "supposed", rendered the Company the *arbitrators* between the Vizier and himself, in case of disputes: And that, being "a man of sense but *extreme pusillanimity*, a good farmer, fond of wealth, *not possessed of the passion of ambition*"¹⁹, he did peaceably apply himself to "improve the state of his country; and did by *his own prudence and attention*, increase the revenues thereof beyond the amount specified in Sujah ul "Dowlah's grant."

Eighth Report of the Select Committee, and Appendix 1, 2, 3.

¹⁹ Letter of Mr. Barwell, 16th of March.

²⁰ Letter from Middleton, 3d April 1778, No. 2.

II. That

II.

That in the year 1777, and in the beginning of the year 1778, being "alarmed at the young Vizier's resumption of a number of jaghires, granted by his father to different persons, and the injustice and oppression of his conduct in general;" and having now learned (from whom does not appear, but probably from some person supposed of competent authority) that Colonel Champion formerly witnessed the treaty as a private person; the Nabob Fyzoola Khan did make frequent and urgent solicitations to Nathaniel Middleton, Esquire, then Resident at Oude, and to Warren Hastings aforesaid, then Governor General of Bengal, "for a renovation of his, (the Nabob Fyzoola Khan's) treaty with the late Vizier, and the guarantee of the Company," or for a "separate agreement with the Company for his defence;" considering them (the Company) as "the only power in which he had confidence, and to which he could look up for protection,"

III.

That the said Resident Middleton, and the said Governor General Hastings, did not, as they were in duty bound to do, endeavour to allay the apprehensions of the Nabob Fyzoola Khan, by assuring him of his safety under the sanction of Colonel Champion's attestation aforesaid; but by their criminal neglect, if not by positive expressions (as there is just ground, from their subsequent language and conduct, to believe) they, the said Middleton and the said Hastings, did at least keep alive and confirm (whoever may have originally suggested) the said apprehension; and that such neglect alone was the more highly culpable in the said Hastings, inasmuch as he, the said Hastings, in conjunction with other members of the Select Committee of the then Presidency of Bengal, did on the 17th of September, 1784, write to Colonel Champion aforesaid, publicly authorising him the said Colonel Cham-

Champion, to join his *sanction* to the accommodations agreed on (between the Vizier Sujah ul Dowlah, and the Nabob Fyzoola Khan) *to add to their validity*²¹; and, on the 6th of October following, did again write to the said Colonel Champion more explicitly, to join his sanction, "either by attesting the treaty, or *acting as guarantee* on the part of the Company, for the performance of it," both which letters, though they did not arrive until after the actual signature of the said Colonel Champion, do yet incontrovertibly mark the solemn intention of the said Committee (of which the said Hastings was President) that the sanction of Colonel Champion's attestation should be regarded as a public, not a private sanction; and it was more peculiarly incumbent on such persons who had been members of the said Committee, so to regard the same.

IV.

That the said Warren Hastings was farther guilty of much criminal concealment for the space of "twelve months"²², inasmuch as he did not lay before the Board the frequent and urgent solicitations which he, the said Hastings, was continually receiving from the Nabob Fyzoola Khan, until the 9th of March 1778²³; on which day the said Hastings did communicate to the Council a public letter of the aforesaid Middleton, Resident at Oude, acquainting the Board, that he (the said Middleton) taking occasion from a late application of Fyzoola Khan, for the Company's guarantee, had deputed Mr. Daniel Octavus Barwell²⁴, (assistant Resident at Benares, but then on a visit to the Resident Middleton at Lucknow) to proceed with a special commission to Rampore, there to inquire on the spot into the truth of certain reports circulated to

²¹ See Appendix to 5th Report of Secret Committee, No. 27. See *ibid.* No. 28.

²² Mr. Middleton's letter to Mr. B. 20th April 1770.

²³ Mr. H's minute, March 9th 1778, No. 1

²⁴ Mr. Middleton's letter, 25th February.

the prejudice of Fyzoola Khan; which reports, however, the said Middleton did afterwards confess himself to have "*always*" *thought* "*in the highest degree* "*improbable.*"

That the said Resident Middleton did "request to know whether, on proof of Fyzoola Khan's innocence, the honourable Board would be pleased to grant him (the Resident) permission to comply with his (Fyzoola Khan's) request, of the Company's guaranteeing his treaty with the Vizier." And the said Middleton, in excuse for having irregularly "availed himself of the abilities of Mr. Daniel Barwell," who belonged to another station, and for deputing him with the aforesaid commission to Rampore, without the previous knowledge of the Board, did urge the plea "*immediate necessity*;" and that such plea, if the necessity really existed, was a strong charge and accusation against the said Warren Hastings, from whose criminal neglect and concealment the urgency of such necessity did arise.

V.

That the Governor General, Warren Hastings aforesaid, did immediately move, "that the Board approve the deputation of Mr. Daniel Barwell, and that the Resident (Middleton) be authorised to offer the Company's guarantee for the observance of the treaty subsisting between the Vizier and Fyzoola Khan, provided it meets with the Vizier's concurrence²⁶:" and that the Governor General's proposition was resolved in the affirmative; the usual majority of Council then consisting of Richard Barwell, Esq. a near relation of Daniel-Octavus Barwell aforesaid, and the Governor General, Warren Hastings, who, in case of an equality, had the casting voice.

VI.

That on receiving from Mr. Daniel Barwell full and early assurance of Fyzoola Khan's "having preserved

²⁶ March 9, 1778. See App. to ditto, No. 1.

"every

“ every article of his treaty inviolate ²⁷,” the Resident Middleton applied for the Vizier’s concurrence, which was readily obtained; the Vizier, however, *premising* that he gave his consent, “ taking it for granted, that “ on Fyzoola Khan’s receiving the treaty, and khelaut, “ (or robe of honour) he was to make him a return of “ the complimentary presents usually offered on such “ occasions, and of *such an amount as should be a manifestation of Fyzool’a Khan’s due sense of his friendship, “ and suitable to his Excellency’s rank to receive* ²⁸,” and that the Resident Middleton “ did make himself, in “ some measure, responsible for the said presents being “ obtained,” and did write to Mr. Daniel Barwell accordingly.

VII.

That agreeably to the resolution of Council hereinbefore recited, the solicited guarantee, under the seal of the Resident Middleton, thus duly authorised on behalf of the Company, was transmitted, together with the renewed treaty, to Mr. Daniel Barwell aforesaid at Rampore; and that they were both by him, the said Barwell, presented to the Nabob Fyzoola Khan, with a solemnity not often paralleled, “ in the presence of the greatest part of the Nabob’s subjects “ who were assembled, that the ceremony might create “ a full belief in the breast of all his people, that the “ Company would protect him as long as he strictly adhered to the *letter* of his treaty ²⁹.”

VIII.

That in the conclusion of the said ceremony the Nabob Fyzoola Khan did deliver to the said Barwell, for the use of the Vizier, a nuzzer (or present) of elephants, horses, &c. and did add thereto a lack of ru

²⁷ Mr. Barwell’s letter to Mr. M. 26th March. See 8th Report.

²⁸ Mr. Middleton’s letter, 8th April 1778. See Appendix to ditto, No. 2.

²⁹ Mr. Barwell’s letter, 17th April. See *ibid*.

pees, or 10,000l. and upwards; which sum the said Barwell, "not being authorised to accept any pecuniary consideration, did at first refuse; but upon Fyzoola Khan's urging, that on such occasions it was the invariable custom of Hindostan, and *that it must on the present be expected, as it had been formerly the case,*" (but when does not appear) he the said Barwell did accept the said lack in the name of the Vizier, our ally, "in whose wealth (as Warren Hastings on another occasion observed) we should participate," and on whom we at that time had an accumulating demand.

IX.

That over and above the lack of rupees thus presented to the Vizier, the Nabob Fyzoola Khan did likewise offer one other lack of rupees, or upwards of 10,000l. more, for the Company, "as some acknowledgement of the obligation he received: that although such acknowledgement was not pretended to be the invariable custom of Hindostan on such occasions, however it might on the present be expected³⁰," Mr. Daniel Barwell aforesaid (knowing probably the disposition and views of the then actual Government at Calcutta) did not, *even at first*, decline the said offer, but, as he was not empowered to accept it, did immediately propose taking a bond for the amount, until the pleasure of the Board should be known.

That the offer was accordingly communicated by the said Barwell to the Resident Middleton, to be by him the Resident referred to the Board; and that it was so referred: that, in reply to the said reference of the Resident Middleton, the Governor General (Warren Hastings) did move and carry a vote of council, "authorising Mr. Middleton to accept the offer made by Fyzoola Khan to the Company, of one lack of ru-

³⁰ Mr. Barwell's letter, 17th April. See App. to 8th Report, No. 2.

“pees,” without assigning any reason whatever in support of the said motion, notwithstanding it was objected by a member of the Board, “that if the measure was right, it became us to adopt it without such a consideration³¹,” and that “our accepting of the lack of rupees as a recompence for our interposition, is beneath the dignity of this Government, (of Calcutta) and will discredit us in the eyes of the Indian powers³².”

That the acceptance of the said sum, in this circumstance, was beneath the dignity of the said Government, and did tend so to discredit us; and that the motion of the said Hastings for such acceptance was therefore highly derogatory to the honour of this nation.

X.

That the aforesaid member of the Council did farther disapprove altogether of the guarantee “as unnecessary³³,” and that another member of Council, Richard Barwell, Esq. the near relation of Daniel-Octavus Barwell herein-before named, did declare, (but after the said guarantee had taken place) that “this Government (of Calcutta) was in fact engaged, by Colonel Champion’s signature being to the treaty with Fyzoola Khan,” that the said unnecessary guarantee did not only subject to an heavy expence a Prince whom we were bound to protect, but did farther produce in his mind the following obvious and natural conclusion; namely, “*that the signature of any person, in whatever public capacity he at present appears, will not be valid and of effect as soon as some other shall fill his station*³⁴,” a conclusion, however, immediately

³¹ Mr. Barwell’s letter, 17th April. See App. to 8th Report, No. 2.

³³ Bengal Consult. 21st May 1778. See *ibid*.

³⁴ Letter of Mr. Barwell to Mr. Middleton, April 14th 1778. No. 2.

tending to the total discredit of all powers delegated from the Board to any individual servant of the Company, and consequently to clog, perplex, and embarrass, in future, all transactions carried on at a distance from the seat of Government, and to disturb the security of all persons possessing instruments already so ratified; yet the only conclusion left to Fyzoola Khan, which did not involve some affront, either to the private honour of the Company's servants, or to the public honour of the Company itself; and that the suspicions which originated from the said idea in the breast of Fyzoola Khan, to the prejudice of the Resident Middleton's authority, did compel the Governor General, Warren Hastings, to obviate the bad effects of his first motion for the guarantee by a second motion, namely, "that a letter be written to Fyzoola Khan
 " from myself, *confirming the obligations of the Company*
 " *as guarantees* to the treaty formed between him and
 " the Vizier; which will be equivalent in its effect,
 " though not in form, to an engagement sent him with
 " the Company's seal affixed to it³⁵."

XI³⁶.

That whether the guarantee aforesaid was or was not necessary; whether it created a new obligation, or but more fully recognized an obligation previously existing, the Governor General, Warren Hastings, by the said guarantee, did, in the most explicit manner, pledge and commit the public faith of the Company, and the nation; and that by the subsequent letter of the said Hastings, (which he at his own motion wrote, confirming to Fyzoola Khan the aforesaid guarantee) the said Hastings did again pledge and commit the public faith of the Company and the nation, in a manner (as the said Hastings himself remarked) "equivalent to an
 " engagement with the Company's seal affixed to it;" and more particularly binding the said Hastings per-

³⁵ Conf. 21st May. See No. 2.

³⁶ See Orig.

sonally to exact a due observance of the guaranteed treaty, especially to protect the Nabob Fyzoola Khan against any arbitrary construction, or unwarranted requisition of the Vizier.

Thanks of the Board to Fyzoola Khan:

I.

THAT soon after the completion of the guarantee, in the same year 1778, intelligence was received in India of a war between England and France: that on the first intimation thereof the Nabob Fyzoola Khan, "being indirectly founded," did shew much "promptness to render the Company any assistance within the bounds of his finances and ability"³⁶; and that by the suggestion of the Resident Middleton herein-before named, he, (the Nabob Fyzoola Khan) in a letter to the Governor General and Council, did make a voluntary "offer to maintain two thousand cavalry (all he had) for our service"³⁷; "though he was under no obligation to furnish the Company with a single man"³⁸.

II.

That the Nabob Fyzoola Khan did even "anticipate the wishes of the Board"³⁹; and that "on an application made to him by Lieutenant-colonel

³⁶ Letter of Mr. Middleton, 5th Dec. See App. to 8th Report, No. 3.

³⁷ Letter of the Directors, February 14, 1783.

³⁸ Mr. Middleton's letters to Council, 26th January 1779. — Mr. M.'s ditto, 26th Dec. 1778. See *ibid*.

³⁹ Letter of Council to Directors, 1st Feb. 1779. See *ibid*.

"Muir,"

“Muir,” the Nabob Fyzoola Khan did, “without
“hesitation or delay,” furnish him (the said Muir)
with five hundred of his best cavalry ⁴⁰.

That the said conduct of the Nabob Fyzoola Khan was communicated by the Company’s servants, both to each other and to their employers, with expressions of “pleasure” and “particular satisfaction,” as an event “even surpassing their expectations ⁴¹,” that the Governor General, Warren Hastings, was officially requested to convey “the thanks of the Board;” and that, not satisfied with the bare discharge of his duty, under the said request, he the said Hastings did, on the 8th of January, 1779, write to Fyzoola, “that *in his own name*,” as well as “that of the Board, he (the said Hastings) returned him the *warmest* thanks for “this instance of his faithful attachment to the Company and the English nation ⁴².”

IV ⁴³.

That by the strong expressions above recited, the said Warren Hastings did deliberately and emphatically add his own particular confirmation to the general testimony of the Nabob Fyzoola Khan’s meritorious fidelity, and of his consequent claim on the generosity, no less than the justice, of the British Government.

⁴⁰ Mr. Middleton’s letters to Council, 26th December.

⁴¹ Letter of Council to Directors, 1st February 1779.

⁴² Mr. Middleton’s letter to Council, 26th December 1778. — Ditto, 5th December 1778.—28th December 1778.

⁴³ See Orig.

Demand of Five Thousand Horse.

I.

THAT, notwithstanding his own private honour, thus deeply engaged, notwithstanding the public justice and generosity of the Company and the nation, thus solemnly committed, disregarding the plain import and positive terms of the guaranteed treaty, the Governor General, Warren Hastings, aforesaid, in November 1780 (while a body of Fyzoola Khan's cavalry, voluntarily granted, were still serving under a British officer) did recommend to the Vizier "to require from Fyzoola Khan the quota of troops stipulated by treaty to be furnished by the latter for his (the Vizier's) service, being FIVE THOUSAND HORSE;" though, as the Vizier did not march in person, he was not, under any construction of the treaty, entitled by stipulation to more than "*two or three thousand troops,*" horse and foot, "according to the ability of Fyzoola Khan⁴⁴:" and that, whereas the said Warren Hastings would have been guilty of very criminal perfidy, if he had simply neglected to interfere as a guarantee against a demand thus plainly contrary to the faith of treaty, so he aggravated the guilt of his perfidy, in the most atrocious degree, by being himself the first mover and instigator of that injustice which he was bound by so many ties on himself, the Company, and the nation, not only not to promote, but by every exertion of authority, influence, and power, to control, to divert, or to resist.

II.

That the answer of Fyzoola Khan to the Vizier did represent, with many expressions of deference, duty, and allegiance, that

⁴⁴ See treaty of Lall-Dang. See 8th Report.

The whole force allowed him was but "five thousand men," and that "these consisted of two thousand horse, and three thousand foot; which, (he adds) in consequence of our intimate connection, are equally yours and the Company's;" though he does subsequently intimate, that "the three thousand foot are for the management of the concerns of his jaghire, and without them the collections can never be made in time ⁴⁵."

That on the communication of the said answer to the Governor General, Warren Hastings, he the said Hastings (who, as the Council now consisted only of himself, and Edward Wheler, Esquire, "united in his own person all the powers of Government ⁴⁷") was not induced to relax from his unjust purpose; but did proceed with new violence to record, that

"The Nabob Fyzoola Khan *had evaded the performance of his part of the treaty* between the late Nabob Sujah ul Dowlah and him, to which the honourable Company were guarantees, and upon which he was lately summoned to furnish the stipulated number of troops, which he is obliged to furnish, on the condition by which he holds the jaghire granted to him ⁴⁸."

That by the vague and indefinite term of evasion, the said Warren Hastings did introduce a loose and arbitrary principle of interpreting formal engagements which ought to be regarded, more especially by guarantees, in a sense the most literally scrupulous and precise.

That he charged with such evasion, a moderate, humble, and submissive representation, on a point which

⁴⁵ Bengal Consult. 15th February 1781.

⁴⁷ Letter of Sir Eyre Coote, 1st March 1781. See Bengal Consult. 27 April 1781.

⁴⁸ Bengal Consult. February 15th, 1781.

would

would have warranted a peremptory refusal, and a positive remonstrance; and that in consequence of the said imputed evasion he indicated a disposition to attach such a forfeiture, as in justice could only have followed from a gross breach of treaty; though the said Hastings did not then pretend any actual infringement, even of the least among the conditions to which, in the name of the Company. he, the said Hastings, was the executive guarantee.

III.

That however "the number of troops stipulated by "treaty may have been understood," at the period of the original demand, "to be five thousand horse⁴⁹," yet the said Warren Hastings, at the time when he recorded the supposed evasion of Fyzoola Khan's answer to the said demand, could not be unacquainted with the express words of the stipulation, as a letter of the Vizier, inserted in the same consultation, refers the Governor General to inclosed copies, "of all engagements entered into by the late Vizier, and by himself (the reigning Vizier) with Fyzoola Khan;" and that the treaty itself therefore was at the very moment before the said Warren Hastings; which treaty (as the said Hastings observed with respect to another treaty, in the case of another person) "most assuredly "does not contain a syllable to justify his conduct; "but by the unexampled latitude which he assumes "in his constructions, he may, if he pleases, extort "this or any other meaning from any part of it⁵⁰."

IV.

That the Vizier himself appears by no means to have been persuaded of his own right to five thousand horse under the treaty; since in his correspondence on the subject, he (the Vizier) no where mentions the

⁴⁹ Mr. Hastings's Narrative of the Transactions at Benares, p. 6. 4to edit. Calcutta, 1782.

⁵⁰ Observations on Mr. Bristow's Defence.

treaty as the ground of his demand, except where he is recapitulating to the Governor General, Warren Hastings, the substance of his (the said Hastings's) own letters; on the contrary, the Vizier hints his apprehensions lest Fyzoola Khan should appeal to the treaty against the demand, as a breach thereof, in which case he (the Vizier) informs the said Hastings of the projected reply: "should Fyzoola Khan (says the Vizier) mention any thing of the tenor of the treaty, *the first breach of it has been committed by him,* in keeping up more men than allowed of by the treaty: *I have accordingly sent a person to settle that point also.* In case he should mention to me any thing respecting the treaty, I will then reproach him with having kept up too many troops, and will oblige him to send the five thousand horse⁵¹;" thereby clearly intimating, that a remonstrance against the demand, as a breach of treaty, could only be answered by charging a prior breach of treaty on Fyzoola Khan; so, by annulling the whole treaty, to reduce the question to a mere question of force, and thus "oblige Fyzoola Khan to send the five thousand horse:" for (continues the Vizier) if, when the Company's affairs, on which my honour depends, require it, Fyzoola Khan will not lend his assistance, *what use is there to continue the country to him?"*

That the Vizier actually did make his application to Fyzoola Khan for the five thousand horse, not as for an aid, to which he had a just claim, but as for something over and above the obligations of the treaty, something "that would give increase to their friendship, and satisfaction to the Nabob Governor⁵¹," (meaning the said Hastings) whose directions he represents as the motive "of his call for the five thousand horse to be employed⁵¹," not in his (the Vizier's) but in the "Company's service⁵¹."

⁵¹ Bengal Consult. February 15th, 1781.

And,

And, That the aforefaid Warren Hastings did therefore, in recording the answer of Fyzoola Khan, as an evasion of treaty, act in notorious contradiction, not only to that which ought to have been the fair construction of the said treaty, but to that which he the said Hastings must have known to be the Vizier's own interpretation of the same, disposed as the Vizier was, "to reproach Fyzoola Khan with breach of treaty," and to "send up persons who should settle points with him."

V.

That the said Warren Hastings, not thinking himself justified, on the mere plea of an evasion, to push forward his proceedings to that extremity which he seems already to have made his scope and object, and seeking some better colour for his unjust and violent purposes, did farther move, that commissioners should be sent from the Vizier and the Company to Fyzoola Khan, to insist on a clause of a treaty, which nowhere appears, being essentially different from the treaty of Lall-Dang, though not in the part on which the requisition is founded: and the said Hastings did then, in a style unusually imperative, proceed as follows:

*"Demand immediate delivery of three thousand cavalry;
"and if he should evade, or refuse compliance, that the deputies shall deliver him a formal protest against him for
"breach of treaty; and return, making this report to
"the Vizier, which Mr. Middleton is to transmit to
"the Board."*

VI.

That the said motion of the Governor General Hastings was ordered accordingly, the Council, as already has been herein related, consisting but of two members, and the said Hastings consequently "uniting in his own person all the powers of Government."

VII.

That when the said Hastings ordered the said demand for three thousand cavalry, he the said Hastings well knew that a compliance therewith, on the part of the Nabob Fyzoola Khan, was utterly impossible; for he, the said Hastings, had at the very moment before him a letter of Fyzoola Khan, stating that he, Fyzoola Khan, had "but two thousand cavalry"⁵² altogether; which letter is entered on the records of the Company, in the same consultation, immediately preceding the Governor General's minute. That the said Hastings therefore knew, that the only possible consequence of the aforesaid demand necessarily and inevitably must be a protest for a breach of treaty; and the Court of Directors did not hesitate to declare, that the said demand "carried the appearance of a determination to create a pretext for depriving him (Fyzoola Khan) of his Jaghire entirely, or to leave him at the mercy of the Vizier"⁵³.

VIII.

That Richard Johnson, Esquire, Assistant Resident at Oude, was, agreeably to the afore-mentioned order of Council, deputed commissioner from Mr. Middleton and the Vizier to Fyzoola Khan; but that he did early give the most indecent proofs of glaring partiality, to the prejudice of the said Fyzoola Khan: for that the very next day (as it seems) after his arrival, he the said Johnson, from opinions imbibed in his journey, did state himself to be "unwilling to draw any favourable or flattering inferences relatively to the object of his mission"⁵⁴; and did studiously seek to find new breaches of treaty; and without any form of regular inquiry whatever, from a single glance of his eye in passing, did take upon him-

⁵² Consult. February 15th, 1781.

⁵³ Letter to Governor, &c. 12th February, 1783.

⁵⁴ 1st April 1781, Bengal Consult. 4th June 1781.

self to pronounce "the Rohilla foldiers, in the district " of Rampore alone, to be not less than twenty thousand," and the grant of course to be forfeited. And that such a gross and palpable display of a predetermination to discover guilt, did argue in the said Johnson a knowledge, a strong presumption, or a belief, that such representations would be agreeable to the secret wishes and views of the said Hastings, under whose orders he the said Johnson acted, and to whom all his reports were to be referred.

IX.

That the said Richard Johnson did soon after proceed to the immediate object of his mission, "which" (the said Johnson relates) was short to a degree." The demand was made, and "a flat refusal" given; the question was repeated, with like effect. The said Johnson, in presence of proper witnesses, then drew up his protest, "together with a memorandum of a" *palliative offer* made by the Nabob Fyzoola Khan," and inserted in the protest:

"That he would, in compliance with the demand, and "in conformity to the treaty, which specified no definite number of cavalry or infantry, only expressing troops, furnish three thousand men; viz. he would, in addition to the one thousand cavalry already granted, give one thousand more, when and wherever required, and one thousand foot;" together with one year's pay in advance, and funds for the regular payment of them in future.

And this (the said Richard Johnson observes) "I put down at his (the Nabob Fyzoola Khan's) particular desire, but otherwise useless, as my orders (which orders do not appear) were not to receive any palliation, but a negative or affirmative;" though such palliation, as it is called by the said Johnson, might be, as it was, in the strictest conformity to the treaty.

X. That

X.

That in the said offer the Nabob Fyzoola Khan, instead of palliating, did at once admit the extreme right of the Vizier, under the treaty, by agreeing to furnish three thousand men when he (Fyzoola Khan) would have been justified in pleading his inability to send more than two thousand. That such inability would not (as appears) have been a false and evasive plea, but perfectly true and valid; as the three thousand foot maintained by Fyzoola Khan were for the purposes of his internal government, for which the whole three thousand must have been demonstrably necessary: and that the Nabob Fyzoola Khan, by declining to avail himself of a plea so fair, so well founded, and so consonant to the indulgence expressly acknowledged in the treaty, and by thus meeting the specific demand of the Vizier as fully as, according to his own military establishment, he could, did, for the said offer, deserve rather the thanks of the said Vizier and the Company, than the protest which the aforesaid Johnson, under the orders of Warren Hastings, did deliver.

XI.

That the report of the said protest, as well as the former letter of the said Johnson, were by the Resident Middleton, transmitted to the Board, together with a letter from the Vizier, founded on the said report and letter of the said Johnson, and proposing in consequence "to resume the grant, and to leave Fyzoola Khan to join his other faithless brethren, who were sent across the Ganges."

That the said papers were read in Council on the 4th of June 1781, when the Governor General, Warren Hastings, did move and carry a vote to suspend a final resolution on the same; and the said Hastings did not express any disapprobation of the proceedings of the said Johnson; neither did the said Hastings assign
any

any reasons for his motion of suspension, which passed without debate. That in truth the said Hastings had then projected a journey up the country to meet the Vizier, for the settlement of articles relative to the regulation of Oude and its dependencies, among which was included the jaghire of Fyzoola Khan; and the said Hastings, for the aforesaid purposes, did, on the 3d of July, by his own casting vote, grant to himself, and did prevail on his colleague, Edward Wheler, Esquire, to grant a certain illegal delegation of the whole powers of the Governor General and Council; and on the seventh of the same month did proceed on his way to join the Vizier, at a place called Chunar, on the borders of Benares; and that the aforesaid vote, of suspending a final resolution on the transactions with Fyzoola Khan, was therefore in substance and effect a reference thereof by the said Hastings, from himself in council with his colleague Wheler, to himself in conference and negociation with the Vizier, who, from the first demand of the five thousand horse, had taken every occasion of shewing his inclination to dispossess Fyzoola Khan, and who, before the said demand (in a letter which does not appear, but which the Vizier himself quotes as antecedent to the said demand) had complained to the said Hastings of the “injury and irregularity in the management of the
“provinces bordering on Rampore, arising from Fy-
“zoola Khan having the uncontrolled dominion of
“that district”⁵⁵.

⁵⁵ See Nabob's letter, Beng. Consult. June 4th, 1783.

TREATY of CHUNAR.

I.

THAT the Governor General, Warren Hastings, being vested with the illegal powers before recited, did, on the 19th of September 1781, enter into a treaty with the Vizier at Chunar; which treaty (as the said Hastings relates) was drawn up "from a series of requisitions presented to him (the said Hastings) by the Vizier," and by him received "with an instant and unqualified assent to each article;" and that the said Hastings assigns his reasons for such ready assent in the following words: "I consider the subjects of his (the Vizier's) requests as essential to the reputation of our government, and no less to our interest than his⁵⁶."

II.

That in the said treaty of Chunar, the third article is as follows:

"That as Fyzoola Khan has by his breach of treaty forfeited the protection of the English Government, and causes, by his continuance in his present independent state, great alarm and detriment to the Nabob Vizier, he be permitted, *when time shall suit*, to resume his lands, and pay him in money, through the Resident, the amount stipulated by treaty, after deducting the amount and charges of the troops he stands engaged to furnish by treaty; which amount shall be passed to the account of the Company during the continuance of the present war."

⁵⁶ Letter to the Council from Mr. H. 19 Nov. 1781. See App. to Mr. H.'s narrative, No. 1. A. Part I.

III. That

III.

That for the better elucidation of his policy in the several articles of the treaty above mentioned, the said Hastings did send to the Council of Calcutta (now consisting of Edward Wheler and John Macpherson, Esquires) Two different copies of the said treaty, with explanatory minutes opposed to each article; and that the minute opposed to the third article is thus expressed:

“ The conduct of Fyzoola Khan, in refusing the aid demanded, though *not an absolute breach of treaty*, was evasive and uncandid. *The demand was made for five thousand cavalry. The engagement in the treaty is literally for five thousand horse and foot.* Fyzoola Khan could not be ignorant that we had no occasion for any succours of infantry from him, and that cavalry would be of the most essential service. *So scrupulous an attention to literal expression, when a more liberal interpretation would have been highly useful and acceptable to us, strongly marks his unfriendly disposition, though it may not impeach his fidelity, and leaves him little claim to any exertions from us for the continuance of his jagbires.* But I am of opinion that neither the Vizier’s nor the Company’s interests would be promoted by depriving Fyzoola Khan of his independency, and I have therefore reserved the execution of this agreement to an indefinite term; and our government may always interpose to prevent any ill effects from it.”

IV.

That in his aforesaid authentic evidence of his own purposes, motives, and principles, in the third article of the treaty of Chunar, the said Hastings hath established divers matters of weighty and serious crimination against himself.

1st. That the said Hastings doth acknowledge therein, that he did, in a public instrument, solemnly recognize,

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nize, "*as a breach of treaty*," and as such, did subject to the consequent penalties, an act which he the said Hastings did at the same time think, and did immediately declare to be "*no breach of treaty*"; and by so falsely and unjustly proceeding against a person under the Company's guarantee, the said Hastings, on his own confession, did himself break the faith of the said guarantee.

2d. That in justifying this breach of the Company's faith, the said Hastings doth *wholly abandon his second peremptory demand for the three thousand horse*, and the protest consequent thereon; and the said Hastings doth thereby himself condemn the violence and injustice of the same.

3dly. That in recurring to the original demand of five thousand horse, as the ground of his justification, the said Hastings doth falsely assert "the engagement in the treaty to be *literally Five thousand horse and foot*," whereas it is in fact for *Two or Three thousand men*; and the said Hastings doth thereby wilfully attempt to deceive and mislead his employers, which is an high crime and misdemeanor in a servant of so great trust.

4thly. That with a view to his farther justification, the said Hastings doth advance a principle, that "*a scrupulous attention to the literal expression*" of a guaranteed treaty "*leaves*," to the person so observing the same, "*but little claim to the exertions*" of a guarantee on his behalf; that such a principle is utterly subversive of all faith of guarantees, and is therefore highly criminal in the first executive member of a government, that must necessarily stand in that mutual relation to many.

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5thly.

5thly. That the said Hastings doth profess his opinion of an article to which he gave an "*instant and unqualified assent*," that it was a measure "*by which neither the Vizier's nor the Company's interests would be promoted*," but from which, without some interposition, "*ill effects must be expected*;" and that the said Hastings doth thereby charge himself with a high breach of trust towards his employers.

6thly. That the said Hastings having thus confessed that, consciously and wilfully (from what motives he hath not chosen to confess) he did give his formal sanction to a measure both of injustice and impolicy, he the said Hastings doth urge, in his defence, that he did at the same time insert words "*reserving the execution of the said agreement to an indefinite term*;" with an intent that it might in truth be never executed at all; but that "*our government might always interpose*," without right, by means of an indirect and undue influence, to prevent the ill effects following from a collusive surrender of a clear and authorized right to interpose; and the said Hastings doth thereby declare himself to have introduced a principle of duplicity, deceit, and double-dealing, into a public engagement, which ought in its essence to be clear, open, and explicit; that such a declaration tends to shake and overthrow the confidence of all, in the most solemn instruments of any person so declaring, and is therefore an high crime and misdemeanor in the first executive member of government, by whom all treaties and other engagements of the state are principally to be conducted,

V.

That by the explanatory minute aforesaid the said Warren Hastings doth farther, in the most direct manner, contradict his own assertions, in the very letter which enclosed the said minute to his colleagues; for that one of the articles to which he there gave "*an*"

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"*instant*"

“ instant and unqualified assent, as no less to our interest than to the Vizier’s,” he doth here declare unequivocally to be *neither to our interest nor the Vizier’s*; and the *“ unqualified assent”* given to the said article is now so *qualified*, as wholly to defeat itself. That by such irreconcilable contradictions the said Hastings doth incur the suspicions of much criminal misrepresentation in other like cases of unwitnessed conferences; and in the present instance (as far as it extends) the said Hastings doth prove himself to have given an account both of his actions and motives, by his own confession, untrue, for the purpose of deceiving his employers, which is an high crime and misdemeanor in a servant of so great trust.

VI.

That the said third article of the treaty of Chunar, as it thus stands explained by the said Hastings himself, doth on the whole appear designed to hold the protection of the Company in suspense; that it acknowledges all right of interference to cease, but leaves it to our discretion to determine when it will suit our conveniency to give the Vizier the liberty of acting on the principles by us already admitted: that it is dexterously constructed to balance the desires of one man, rapacious and profuse, against the fears of another, described as *“ of extreme pusillanimity, and wealthy”*:³⁸ but that, whatever may have been the secret objects of the artifice and intrigue confessed to form its very essence, it must, on the very face of it, necessarily implicate the Company in a breach of faith, whichever might be the event, as they must equally break their faith, either by withdrawing their guarantee unjustly, or by continuing that guarantee, in contradiction to this treaty of Chunar; that it thus tends to hold out to India, and to the whole world, that the public principle of the English Government is a deliberate system of injustice, joined with falsehood, of impolicy, of bad faith, and

³⁸ Mr. Middleton’s Letter, 3 April 1778.

treachery; and that the said article is therefore in the highest degree derogatory to the honour, and injurious to the interests of this nation.

Consequences of the Treaty of Chunar.

I.

THAT in consequence of the treaty of Chunar, the Governor General, Warren Hastings, did send official instructions, respecting the various articles of the said treaty, to the said Resident, Middleton; and that in a postscript, the said Hastings did forbid the resumption of the Nabob Fyzoola Khan's jaghire, "until circumstances may render it more expedient, and easy to be attempted, than the present more material pursuits of Government make it appear;" thereby intimating a positive limitation of the indefinite term in the explanatory minute above recited; and confining the suspension of the article to the pressure of the war.

II.

That soon after the date of the said instructions, and within two months of the signature of the treaty of Chunar, the said Hastings did cause Sir Elijah Impey, Knight, His Majesty's Chief Justice at Fort William, to discredit the Justice of the Crown of Great Britain, by making him the channel of unwarrantable communication; and did, through the said Sir Elijah, signify

Extracts of Papers presented to the House of Commons, 1786.

¹⁹ Extracts of Middleton's Letter, 25th March 1782,

to

to the Resident, Middleton, his (the said Hastings's)
 “ approbation of a *subsidy* from Fyzoola Khan ⁶⁰.”

III.

That the Resident, in answer, represents the proper equivalent for 2000 horse, and 1000 foot, (the forces offered to Mr. Johnson by Fyzoola Khan) to be twelve lacks, or 120,000l. sterling; and upwards, each year; which the said Resident supposes is considerably beyond what he, Fyzoola Khan, *will voluntarily pay*:
 “ However, if it is your wish that the claim should be
 “ made, I am ready to take it up, and, *you may be*
 “ *assured, nothing in my power shall be left undone, to*
 “ *carry it through.*”

IV.

That the reply of the said Hastings doth not appear; but that it does appear on record, that “ a negotiation
 “ (Mr. Johnson's) was begun for Fyzoola Khan's cavalry to act with General Goddard, and on his (Fyzoola Khan's) *evading it, that a sum of money was*
 “ *demande* ⁶¹.”

V.

That in the months of February, March, and April, the Resident, Middleton, did repeatedly propose the resumption of Fyzoola Khan's jaghire ⁶², agreeably to the treaty of Chunar; and that, driven to extremity, (as the said Hastings supposes) “ by the public menaces
 “ and denunciations of the Resident and the Minister ⁶³,” Hyder Beg Khan, a creature of the said Hastings, (and both the Minister and the Resident acting professedly on and under the treaty of Chunar,) “ the Nabob Fyzoola Khan made such preparations,

⁶⁰ Letter of Middleton to Mr. Hastings, 6th December 1781, in No. 1. vol. J. page 15.

⁶¹ Mr. Bristow's Instructions to Major Palmer, 28th December 1782.

⁶² In No. I. vol. II. p. 10.

⁶³ Instructions to Mr. Bristow, in No. 2. vol. I. page 15.

“ and such a disposition of his family and wealth, as
“ evidently manifested either an intended or an *expelled*
“ *rupture*.”

VI.

That on the 6th of May the said Hastings did send his confidential agent and friend, Major Palmer, on a private commission to Lucknow; and that the said Palmer was charged with secret instructions⁶⁴ relative to Fyzoola Khan, but of what import cannot be ascertained, the said Hastings in his public instructions having inserted only the name of Fyzoola Khan, as a mere reference (according to the explanation of the said Hastings) to what he had verbally communicated to the said Palmer; and that the said Hastings was thereby guilty of a criminal concealment.

VII.

That some time about the month of August, an engagement happened between a body of Fyzoola Khan's cavalry and a part of the Vizier's army, in which the latter was beaten, and their guns taken⁶⁵; that the Resident, Middleton, did represent the same but as a slight and accidental affray⁶⁶: That it was acknowledged the troops of the Vizier were the aggressors; that it did appear to the Board, and to the said Hastings himself, an affair of more considerable magnitude, and that they did make the concealment thereof an article of charge against the Resident, Middleton, though the said Resident did in truth acquaint them with the same, but in a cursory manner.

VIII.

That immediately after the said “fray” at Daranagur, the Vizier (who was “but a cypher in the hands” of the Minister and the Resident, both of them directly

⁶⁴ In No. 2. vol. IV. p. 4.

⁶⁵ Mr. Bristow's Instructions to Major Palmer.

⁶⁶ In No. 1 vol. I.

appointed

appointed and supported by the said Hastings) did make of Fyzoola Khan a new demand, equally contrary to the true intent and meaning of the treaty, as his former requisitions⁶⁷: which new demand was, for the detachment in garrison at Daranagur to be cantoned, as a stationary force at Lucknow, the capital of the Vizier; whereas he, the Vizier, had only a right to demand an occasional aid to join his army in the field, or in garrison during a war. But the said new demand being *evaded*, or rather refused, agreeably to the fair construction of the treaty by the Nabob Fyzoola Khan, the matter was for the present dropped.

IX.

That in the letter, in which the Resident, Middleton, did mention "what he calls the fray" aforesaid, the said Middleton did again apply for the resumption of the jaghire of Rampore; and, that the objections against the measure being now removed (by the separate peace with Scindia), he desired to know if the Board "would give assurances of their support to the Vizier, in case, *which* (says the Resident) *I think very probable, his* (the Vizier's) *own strength should be found unequal to the undertaking.*

X.

That although the said Warren Hastings did make the foregoing application a new charge against the Resident, Middleton, yet the said Hastings did only criminate the said Middleton for a proposal, tending "at such a crisis to increase the number of our enemies;" and did in no degree, either in his articles of charge, or in his accompanying minutes, express any disapprobation whatever of the principle; that in truth the whole proceedings of the said Resident were the natural result of the treaty of Chunar. That the said proceedings were, from time to time, communicated to the said Hastings. That as he no where charges any disobedi-

⁶⁷ Mr. Bristow's Instructions to Major Palmer, 28.

ence of orders on Mr. Middleton with respect to Fyzoola Khan, it may be justly inferred that the said Hastings did not interfere to check the proceedings of the said Middleton on that subject; and that by such criminal neglect the said Hastings did make the guilt of the said Middleton, whatever it might be, his own.

Pecuniary Commutation of the stipulated Aid.

I.

THAT on the charges, and for the misdemeanors above specified, together with divers other accusations, the Governor General, Warren Hastings, in September 1782, did remove the aforesaid Middleton from his office of Resident at Oude, and did appoint thereto John Bristow, Esquire, whom he had twice before, without cause, recalled from the same; and that about the same time the said Hastings did believe the mind of the Nabob, Fyzoola Khan, to be so irritated, in consequence of the above-recited conduct of the late Resident, Middleton, and of his (the said Hastings's) own criminal neglect, that he the said Hastings found it necessary to write to Fyzoola Khan, assuring him "of the favourable disposition of the Government toward him while he shall not have forfeited it by any improper conduct." But that the said assurances of the Governor General did not tend, as soon after appeared, to raise much confidence in the Nabob, over whom a public instrument of the same Hastings was still holding the terrors of a deprivation of his jaghire,

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and

and an exile "among his other faithless brethren across
" the Ganges."

II.

That on the subject of Fyzoola Khan, the said Hastings, in his instructions to the new Resident, Bristow, did leave him to be guided by his own discretion; but, he adds, "be careful to prevent the Vizier's affairs from being involved with new difficulties, while he has already so many to oppress him;" thereby plainly hinting at some more decisive measures, whenever the Vizier should be less oppressed with difficulties.

III.

That the Resident, Bristow, after acquainting the Governor General with his intentions, did, under the said instructions, renew the aforesaid claim for a sum of money, but with much caution and circumspection, distantly founding Allif Khan, the Vackeel, or Envoy, of Fyzoola Khan, at the Court of the Vizier. That "Allif Khan wrote to his master on the subject, and in answer he was directed not to agree to the granting of any pecuniary aid⁶⁸."

IV.

That the Resident, Bristow, did then openly depute Major Palmer aforesaid, with the concurrence of the Vizier, and the approbation of the Governor General, to the Nabob Fyzoola Khan, at Rampore; and that the said Palmer was to "endeavour to convince the Nabob, that all doubts of his attachment to the Vizier, are ceased; and whatever claims may be made on him, are founded upon the basis of his interest and advantage, and a plan of establishing his right to the possession of his jaghire." That the sudden ceasing of the said doubts, without any inquiry of the slightest kind, doth

⁶⁸ Mr. Bristow's Instructions to Major Palmer, 28th December 1782.

warrant a strong presumption of the Resident's conviction that they never really existed, but were artfully feigned, as a pretence for some harsh interposition; and that the indecent mockery of establishing, as a matter of favour for a pecuniary consideration, rights which were never impeached but by the treaty of Chunar (an instrument recorded by Warren Hastings himself to be founded on falsehood and injustice) doth powerfully prove the true purpose and object of all the duplicity, deceit, and double-dealing, with which that treaty was projected and executed.

V.

That the said Palmer was instructed by the Resident, Bristow, with the subsequent approbation of the Governor General, "to obtain from Fyzoola Khan *an annual tribute*;" to which the Resident adds: "If *you can procure from him, over and above this, a pesh, or fine, of at least five lacks*, it would be rendering an essential service to the Vizier, and add *to the confidence his Excellency would hereafter repose in the attachment of the Nabob Fyzoola Cawn.*"

And that the said Governor General Hastings did give the following extraordinary ground of calculation as the basis of the said Palmer's negotiation for the annual tribute aforesaid:

"*It was certainly understood at the time the treaty was concluded, (of which this stipulation was a part,) that it applied solely to cavalry; as the Nabob Vizier possessing the service of our forces, could not possibly require infantry, and least of all such infantry as Fyzoola Cawn could furnish; and a single horseman included in the aid which Fyzoola Cawn might furnish, would prove a literal compliance with the said stipulation.* The number therefore of horse implied by it ought at least to be ascertained: *we will suppose five thousand*, and allowing the exigency for their attendance to exist only in the proportion of *one*

N n n 2

" *year*

“ *year in five*, reduce the demand to one thousand for
 “ the computation of the subsidy, which, at the rate
 “ *of fifty rupees* per man, will amount to fifty thousand
 “ per *ensem*. This may serve for the basis of this
 “ article in the negotiation upon it “⁹.”

VI.

That the said Warren Hastings doth then continue to instruct the said Palmer, in the alternative of a refusal from Fyzoola Khan.

“ If Fyzoola Khan shall refuse to treat for a subsidy,
 “ and claim the benefit of his original agreement in its
 “ literal expression, *he possesses a right which we cannot*
 “ *dispute*; and it will in that case remain only to fix the
 “ precise number of horse which he shall furnish,
 “ which ought at least to exceed 2,500 “⁹.”

VII.

That in the above recited instruction, the said Warren Hastings doth insinuate (for he doth not directly assert)

1st. That we are entitled by treaty to 5,000 troops, which he says were undoubtedly intended to be all cavalry.

2d. That the said Hastings doth then admit, “ that” a single horseman, included in the aid, furnished by Fyzoola Khan, would prove a literal compliance.

3d. That the said Hastings doth next resort again to the supposition of our right to the whole 5,000 cavalry.

4th. That the said Hastings doth afterwards think, in the event of an explanation of a treaty, and a settlement of the proportion of cavalry, instead of a pecu-

⁹⁹ Letter of Council to Mr. Bristow, 23d January 1783.

niary commutation, it will be all we can demand, that the number should *at least exceed* 2,500.

5th. That the said Hastings doth, in calculating the supposed time of their service, assume an arbitrary estimate of one year of war to four of peace; which, however moderate the calculation may appear on the average of the said Hastings's own government, doth involve a principle in a considerable degree repugnant to the system of perfect peace, inculcated in the standing orders of the Company.

6th. That in estimating the pay of the cavalry to be commuted, the said Hastings doth fix the pay of each man at fifty rupees a month; which on 5,000 troops, all cavalry, as the said Hastings supposes the treaty of Lall-Dang to have meant, would amount to an expence of thirty lacks a year, or between 300,000l. or 400,000l. And this expence, strictly resulting, according to the calculations of the said Hastings, from the intention of Sujah ul Dowlah's grant to Fyzoola Khan, was designed to be supported out of a jaghire, valued at fifteen lacks only, or something more than 150,000l. of yearly revenue, just half the amount of the expence to be incurred in consideration of the said jaghire.

And that a basis of negotiation so inconsistent, so arbitrary, and so unjust, is contrary to that uprightness and integrity, which should mark the transactions of a great state and is highly derogatory to the honour of this nation.

VIII.

That notwithstanding the seeming moderation and justice of the said Hastings, in admitting the clear and undoubted right of Fyzoola Khan to insist on his treaty, the head of instruction immediately succeeding doth afford just reason for a violent presumption, that such apparent lenity was but policy, to give a colour to his conduct; he the said Hastings, in the very next paragraph,

paragraph, bringing forth a new engine of oppression, as follows :

“ To demand the surrender of all the reiat, or peasants, of the Nabob Vizier’s dominions, to whom Fyzoola has given protection and service, *or an annual tribute, in compensation for the loss sustained by the Nabob Vizier in his revenue, thus transferred to Fyzoola Cawn.*

“ You have stated the increase of his jaghire, occasioned by this act, at the moderate sum of fifteen lacks. *The tribute ought at least to be one third of that amount.*

“ We conceive that Fyzoola Khan himself may be disposed to yield to the preceding demand, on the additional condition of being allowed to hold his lands in Ultumgaw, or an inheritable tenure, instead of his present tenure by jaghire, or a tenure for life. This we think the Vizier can have no objection to grant, and we recommend it; *but for this a fine or peshush ought to be immediately paid in the customary proportion of the Jumma, estimated at thirty lacks*”.

IX.

That the Resident, Bristow, (to whom the letter, containing Major Palmer’s instructions, is addressed) nowhere attributes the increase of Fyzoola Khan’s revenues to this protection of the fugitive Reiat, subjects of the Vizier : That the said Warren Hastings was, therefore, not warranted to make that a pretext of such a peremptory demand : That as an inducement to make Fyzoola Khan agree to the said demand, it is offered to settle his lands upon a tenure, which would secure them to his children ; but that settlement is to bring with it a new demand of a fine of thirty lacks, or 300,000*l.* and upwards : That the principles of the

⁶⁹ Letter of Council to Mr. Bristow, 23d January 1783.

said demand are violent and despotic, and the inducement to acquiescence deceitful and insidious; and that both the demand and the inducement are derogatory to the honour of this nation.

X.

That Major Palmer aforesaid proceeded under these instructions to Rampore, where his journey, "*to extract a sum of money*"⁷⁰, was previously known, from Alliff Khan, vakeel of Fyzoola Khan, at the Vizier's court; and that, notwithstanding the assurances of the friendly disposition of Government, given by the said Hastings (as is herein related) the Nabob Fyzoola Khan did express the most serious and desponding apprehensions, both by letter and through his vakeel, to the Resident Bristow, who represents them to Major Palmer in the following manner:

" The Nabob Fyzoola Khan complains of the distresses he has this year suffered from the drought.
 " The whole collections have, with great management, amounted to about twelve lacks of rupees,
 " from which sum he has to support his troops, his family, and several relations and dependents of the late Rohilla chiefs. *He says, it clearly appears to be intended to deprive him of his country, as the high demand you have made of him is inadmissible.* Should he have assented to it, it would be impossible to perform the conditions, and then his reputation would be injured by a breach of agreement. *Alliff Khan farther represents, that it is his master's intention, in case the demand should not be relinquished by you, first to proceed to Lucknow, where he proposes having an interview with the Vizier and the Resident; if he should not be able to obtain his own terms for a future possession of his jaghire, he will set off for Calcutta, in order to pray for justice from the honourable the Governor General.*
 " He observes, it is the custom of the honourable

⁷⁰ Mr. Bristow's Letter of Instructions, 28th Dec.

" Com.

“ Company, when they deprive a chief of his country, to grant him some allowance. This he expects from Mr. Hastings’s bounty ; *but if he should be disappointed, he will certainly set off upon a pilgrimage to Mecca and Medina, and renounce the cares of the world.*”

“ *He directs his vakeel to ascertain whether the English intend to deprive him of his country ; for if they do, he is ready to surrender it, upon receiving an order from the Resident.*”

XI.

That after much negociation, the Nabob Fyzoola Khan, “ being fully sensible that an engagement to furnish military aid, *however clearly the conditions might be stated, must be a source of perpetual misunderstanding and inconveniencies*”⁷¹, did at length agree with Major Palmer to give fifteen lacks, or 150,000l. and upwards, by four instalments, that he might be exempted from all future claims of military service : that the said Palmer represents it to be his belief, “ *that no person not known to possess your (the said Hastings’s) confidence and support in the degree that I am supposed to do, would have obtained nearly so good terms ;*” but from what motive “ terms so good” were granted, and how the confidence and support of the said Hastings did truly operate on the mind of Fyzoola Khan, doth appear to be better explained by another passage in the same letter, where the said Palmer congratulates himself on the *satisfaction which he gave to Fyzoola Khan in the conduct of this negociation, as he spent a month in order to effect “ by argument and persuasion, what he could have obtained in an hour by threats and compulsions.*”

⁷¹ Letter from Major Palmer, 14th Feb. 1783.

Full Vindication of Fyzoola Khan, by
Major Palmer and Mr. Hastings.

I.

THAT in the course of the said negociation for establishing the rights of the Nabob Fyzoola Khan, Major Palmer aforesaid did communicate to the Resident Bristow⁷², and through the said Resident to the Council General of Bengal, the full and direct denial of the Nabob Fyzoola Khan to all and every of the charges made or pretended to be made against him, as follows :

“ Fyzoola Khan persists in denying the infringement on his part of any one article in the treaty, or
“ the neglect of any obligation which it imposed upon
“ him.

“ He does not admit of the *improvements reported to*
“ *be made* in his jaghire, and even asserts, that the col-
“ lections this year will fall short of the original jum-
“ ma (or estimate) by reason of the long drought.

“ He denies having exceeded the limited number
“ of Rohillas in his service ;

“ And having refused the required aid of cavalry,
“ made by Johnson, to act with General Goddard.

⁷² 24th Jan. 1783.

“ He observes, respecting the charge of evading the
 “ Vizier’s requisition for the cavalry, lately stationed
 “ at Daranagur, to be stationed at Lucknow, that he
 “ is not bound by treaty to maintain a stationary force
 “ for the service of the Vizier, but to supply an aid of
 “ 2000 or 3000 troops in time of war.

“ Lastly, he asserts, that so far from encouraging
 “ the ryots (or peasants) of the Vizier to settle in his
 “ jaghire, it has been his constant practice to deliver
 “ them up to the aumil of Rohilcund, whenever he
 “ could discover them.”

11.

That in giving his opinions on the aforesaid denials
 of the Nabob Fyzoola Khan, the said Palmer did not
 controvert any one of the constructions of the treaty
 advanced by the said Nabob.

That although the said Palmer, “ from general ap-
 “ pearances as well as universal report, did not doubt
 “ that the jumma of the jaghire is *greatly increased*,”
 yet he, the said Palmer, did not intimate that it was
 increased in any degree near the *amount reported*, as it
 was drawn out in a regular estimate, transmitted to the
 said Palmer expressly for the purposes of his negocia-
 tion⁷³; which was, of course, by him produced to
 the Nabob Fyzoola Khan, and to which specifically
 the denial of Fyzoola Khan must be understood to
 apply.

That the said Palmer did not hint any doubt of the
 deficiency affirmed by Fyzoola Khan in the collections
 for the current year; and,

That if any increase of jumma did truly exist, what-
 ever it may have been, the said Palmer did acknow-

⁷³ Mr. Bristow’s Letter of Instructions, 28th Dec. 1782.

ledge it "to have been solemnly relinquished (in a " private agreement) by the Vizier."

That although the said Palmer did suppose the number of Rohillas (employed " in ordinary occupations) in Rampore alone, to exceed that limited by " the treaty, for his (Fyzoola Khan's service;" yet the said Palmer did by no means imply that the Nabob Fyzoola Khan *maintained in his service* a single man more than was allowed by treaty; and by a particular and minute account of the troops of Fyzoola Khan, transmitted by the Resident Bristow to the said Palmer, the number was stated but at 5840, probably including officers, who were not understood to be comprehended in the treaty.

That the said Palmer did farther admit it "to be " *not clearly expressed* in the treaty, whether the restriction included Rohillas of all descriptions;" but at any rate, he adds, "it does not appear that their number is formidable; or that he (Fyzoola Khan) *could by any means subsist such numbers as could cause any serious alarm to the Vizier*; neither is there any appearance of their entertaining any views beyond the " quiet possession of the advantages which they at present enjoy."

And that in a subsequent letter, in which the said Palmer thought it prudent "to vindicate himself from " any possible insinuation that he meant to sacrifice the " Vizier's interest," he, the said Palmer, did positively attest the new claim on Fyzoola Khan for the protection of the Vizier's ryots to be wholly without foundation; as the Nabob Fyzoola Khan "had proved to " him (Palmer) by producing receipts of various " dates, and for great numbers of these people surrendered upon requisition from the Vizier's officers."

That, over and above the aforesaid complete refutation of the charges and pretexts under which exactions

had been practised, or attempted to be practised, on the Nabob Fyzoola Khan, the said Palmer did farther condemn, altogether, the principle of calculation assumed in such exactions (even if they had been founded in justice) by the following explanation of the nature of the tenure, by which, under the treaty of Lall-Dang, the Nabob Fyzoola Khan held his possessions as a Jagheidar.

“ There are no precedents in the ancient usage of the country for ascertaining the nuzzerana (customary present) or peeschush (regular fine) of grants of this nature: *they were bestowed by the prince as rewards or favours*; and the accustomed present in return was adapted to the dignity of the donor, rather than to the value of the gift; *to which it never, I believe, bore any kind of proportion.*”

IV.

That a sum of money (“ which of course was to be received by the Company⁷⁴ ”) being now obtained, and the “ *Interests both of the Company and the Vizier* ” being thus much “ *better promoted* ” by “ *establishing the rights* ” of Fyzoola Khan, than they could have been by “ *depriving him of his independency* ”⁷⁵; when every undue influence of secret and criminal purposes was removed from the mind of the Governor General, Warren Hastings, Esquire, he, the said Hastings, did also concur with his friend and agent, Major Palmer, in the vindication of the Nabob Fyzoola Khan, and in the most ample manner.

That the said Warren Hastings, did now clearly and explicitly understand the clauses of the treaty; “ That Fyzoola Khan should send *two or three* (and

⁷⁴ Letter to Directors, 10th March 1783.

⁷⁵ Explanatory Minute on the Treaty of Chunar.

“ not *five*) thousand men, or attend in person, in case
 “ it was requisite⁷⁶.”

That the said Warren Hastings did now confess, that the right of the Vizier, under the treaty, was at best “ but a *precarious and unserviceable right*; and that “ he thought fifteen lacks, or 150,000l. and upwards, “ an ample equivalent” (or, according to the expression of Major Palmer, *an excellent bargain*) as in truth it was, “ for expunging an article of such a tenor, “ and so loosely worded.” And finally, that the said Hastings did give the following description of the general character, disposition, and circumstances of the Nabob Fyzoola Khan :

“ The rumours which had been spread of his hostile designs against the Vizier were totally groundless; and if he had been inclined, he had not the means to make himself formidable; on the contrary, “ being in the decline of life, and possessing a very “ fertile and prosperous jaghire, it is more natural to “ suppose, that Fyzoola Khan wishes to spend the remainder of his days in quietness, than that he is “ preparing to embark in active and offensive scenes, “ which must end in his own destruction.”

V.

Yet that, notwithstanding this virtual and implied crimination of his whole conduct toward the Nabob Fyzoola Khan, and after all the aforesaid acts, systematically prosecuted, in open violation of a positive treaty, against a prince who had an hereditary right to more than he actually possessed; for whose protection the faith of the Company and the nation was repeatedly pledged, and who had deserved and obtained the public thanks of the British Government, when, in allusion

⁷⁶ Letter to Directors, 10th March, and 5th April, 1783.

to certain of the said acts, the Court of Directors had expressed to the said Hastings, their wishes, "to be considered rather as the guardians of the honour and property of the native powers, than as the instruments of oppression;" he, the said Hastings, in reply to the said Directors, his masters, did conclude his official account of the final settlement with Fyzoola Khan, with the following indecent, because unjust, exultation:

"Such are the measures which we shall ever wish to observe towards our allies or dependents upon our frontiers."



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